



Development Assessment Panel Meeting Agenda

Tuesday 02 December 2014 at 6pm
Council Chambers, 401 Greenhill Road, Tasmore

Members:	Bill Chandler (Presiding Member) Ross Bateup, Alison Brookman, Peter Ford, Stephanie Johnston, Helga Lemon and Mark Osterstock
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1 APOLOGIES

Nil

2 KAURNA ACKNOWLEDGEMENT

The Presiding Member will take the opportunity to acknowledge the Kuarna people.

3 CONFIRMATION OF MINUTES

Recommendation: That the minutes of the meeting held on Tuesday 04 November 2014 be taken as read and confirmed.

4 APPLICATIONS WITHDRAWN FROM THE AGENDA

Nil

5 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – PERSONS WISH TO BE HEARD

(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (HEARING)

Nil

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (HEARING)

Report Number:	5690.1
Page:	1
Application Number:	180\0483\14
Applicant:	J24 Building Designers
Location:	26 Katoomba Road, Beaumont
Proposal:	Two-storey detached dwelling including swimming pool, earthworks >9m3, retaining walls and masonry fencing
Recommendation:	Development Plan Consent be granted
Representors:	• 27 Katoomba Road, Beaumont
Applicant:	• 9 Wood Road, Paradise

Report Number:	5690.2
Page:	17
Application Number:	180\0942\14
Applicant:	PJ Van der Linden
Location:	5 Allinga Avenue, Glenside
Proposal:	Tennis court including lighting and fencing and relocation of existing shed
Recommendation:	Development Plan Consent be granted
Representors:	• 7/10 L'Estrange Street, Glenside
Applicant:	• 5 Allinga Avenue, Glenside

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (HEARING)

Recommendation: As the opportunity to make a verbal presentation for Category 2 applications is at the Panel's discretion, that the Panel provide an opportunity to be heard.

Report Number:	5690.3
Page:	27
Application Number:	180\0470\14
Applicant:	A Ali & ZZ Begam
Location:	16 Brooker Street, Glenunga
Proposal:	Two-storey residential flat building comprising two dwellings including front balconies and fencing
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • 14 Brooker Street, Glenunga • 18 Brooker Street, Glenunga • 3 Le Roy Street, Glenunga
Applicant:	• 2/11 Dix Avenue, Marden

Report Number:	5690.4
Page:	43
Application Number:	180\0492\13
Applicant:	Sterling Homes Pty Ltd
Location:	27 Lancelot Avenue, Hazelwood Park
Proposal:	Two-storey detached dwelling including garage, porch, alfresco, balcony and significant tree removal (Eucalyptus camaldulensis – River Red Gum)
Recommendation:	Development Plan Consent be granted
Representors:	• 12 Doonoon Avenue, Hazelwood Park
Applicant:	• 110-114 Grange Road, Allenby Gardens

Report Number:	5690.5
Page:	59
Application Number:	180\0673\14
Applicant:	TL Stodart
Location:	2 North Street, Frewville
Proposal:	Demolition of existing dwelling and construction of a two-storey detached dwelling including carport, deck, balcony and solar panels
Recommendation:	Development Plan Consent be granted
Representors:	• 4 North Street, Frewville
Applicant:	• 2 North Street, Frewville

Report Number:	5690.6
Page:	73
Application Number:	180\0737\14
Applicant:	T Matkovic
Location:	22 Tobruk Avenue, Kensington Park
Proposal:	Amendment to existing DA 180\0773\13 – relocation of garage to boundary and addition of outbuilding
Recommendation:	Development Plan Consent be granted
Representors:	<ul style="list-style-type: none"> • 24 Tobruk Avenue, Kensington Park • 23 McKenna Street, Kensington Park
Applicant:	• Tony Matkovic – 108 Portrush Road, Payneham South

6 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**(A) NON-COMPLYING DEVELOPMENT APPLICATIONS (NO HEARING)**

Report Number:	5690.7
Page:	87
Application Number:	180\0609\14
Applicant:	PSA Design
Location:	3 Shiraz Place, Auldana
Proposal:	Non-complying – two-storey detached dwelling including garage, verandah, swimming pool and retaining walls
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted

(B) CATEGORY 3 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

(C) CATEGORY 2 DEVELOPMENT APPLICATIONS (NO HEARING)

Nil

7 CATEGORY 1 DEVELOPMENT APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

Nil

8 OTHER BUSINESS

8.1 Election of Deputy Presiding Member.

9 ORDER FOR EXCLUSION OF THE PUBLIC FROM THE MEETING TO DEBATE CONFIDENTIAL MATTERS

That, pursuant to Section 56A(12) of the Development Act, 1993, the public be excluded from this part of the meeting of the City of Burnside Development Assessment Panel dated Tuesday 02 December 2014 (with the exception of members of Council staff who are hereby permitted to remain), to enable the Panel to receive, discuss or consider legal advice, or advice from a person who is providing specialist professional advice.

10 CONFIDENTIAL MATTERS**10.1 LEGAL MATTER APPEAL**

Report Number:	5690.8
Application Number:	180\0317\14
Applicant:	EL Ford
Location:	14A Prescott Terrace, Toorak Gardens
Proposal:	Driveway umbrella (retrospective)

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NOTES FOR THE READER**Purpose**

The purpose of each report prepared for the Development Assessment Panel is to assist the applicant, those assessing the application and members of the public alike, to understand all of the relevant factors and considerations involved in the assessment of each particular development application.

Development Plan Assessment

Development in South Australia is regulated under the Development Act, 1993 and the Development Regulations, 2008.

This legislation requires Council, which is a relevant planning authority under this legislation, to assess most applications for development against the provisions of Council's "Development Plan".

The Development Plan is a policy document. The policy is formulated by the Council. It uses some "planning language" but is intended to form a useful and practical guide for the public and those responsible for the assessment of development. It is a practical policy document which the planning authority must apply to development assessment in a practical way.

When assessing development, the relevant provisions within the Development Plan are identified. The planning authority will then usually be required to consider whether those provisions speak for or against a proposed development. Quite often the assessment task will require the planning authority to weigh the "pros and cons" of a proposed development by reference to the relevant policies within the Development Plan.

The process involved in the assessment of each development application is contained within the above legislation. Depending on a variety of factors, including the nature of the development and the Zone within which it is proposed, applications may be classified as "complying", "non-complying" or "merit" development. The classification of the application will determine the procedure to be followed under the legislation. Classification will also determine the public notification protocol, that is, whether the planning authority is able to provide public notification and if so, the extent of the public notification.

Representations

Representors will usually be provided with an opportunity to address the planning authority at its relevant meeting if they wish to be heard. In this case the relevant planning authority will hear and consider the representations prior to making its decision. It is the role of the planning authority to act as a mediator or arbitrator between representor(s) and applicant.

The reports prepared by the Council's staff will not separately address the content of each representation, but rather will deal with relevant town planning issues raised in any representation, together with all other relevant considerations involved in the assessment of a proposed development.

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DEVELOPMENT APPLICATION

Application Number:	180\0483\14
Applicant:	J24 Building Designers
Location:	26 Katoomba Road, Beaumont
Proposal:	Two-storey detached dwelling including swimming pool, earthworks >9m ³ , retaining walls and masonry fencing
Zone/Policy Area:	Residential Zone Residential Policy Area 27 – Southern Foothills Development Plan consolidated 30 January 2014
Kind of Assessment:	Merit
Public Notification:	Category 3 Four (4) representations received
Appeal Opportunity	Applicant and third party appeal rights
Referrals – Non Statutory:	Traffic Management Engineer / Tree Management Officer
Delegations Policy:	Unresolved representations
Recommendation:	Development Plan Consent be granted
Recommending Officer:	Jason Cattonar

REPORT CONTENTS

- Assessment report:
 - Appendix 1 – Aerial Locality Map
 - Appendix 2 – Detailed Planning Assessment
 - Appendix 3 – Development Data Table

Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Applicant's response to representations
- Photographs

1. DESCRIPTION OF PROPOSAL

The applicant seeks Development Plan Consent for the construction of a two-storey detached dwelling, together with an in-ground swimming pool, masonry fencing and associated earthworks on an existing vacant corner allotment at 26 Katoomba Road, Beaumont.

The proposed dwelling will feature three bedrooms, three bathrooms, an upstairs lounge, downstairs lounge and open plan living areas to the rear. It will also include a double width garage, in-ground swimming pool, masonry side fence and retaining wall structures of less than 1m in height.

The dwelling exhibits a high quality architectural presentation towards both street frontages with a conventional 20 degree pitched roofed and single-storey form to the rear. The dwelling will be finished in a combination of cement render, Travertine tiles, Alcobond eaves, Colorbond roofing and natural anodised aluminium door and window frames.

2. BACKGROUND

The land at 26 Katoomba Road has been subject to a previous development application (DA 180\0269\11) for which Development Plan Consent was granted for the construction of a two-storey detached dwelling of similar style and proportions to the one proposed in the current application.

Main points of difference to the previous proposal include:

- Reduction in total floor area of the first floor;
- Reduction to the overall building height by approximately 300mm; and
- Reduction to the finished floor level by up to 350mm towards the Katoomba Road section of the building.

Although DA 180\0269\11 bears some resemblance to the current proposal, that application was not acted upon and has since lapsed. The current proposal is therefore an application that is completely independent from the previous authorisation and is to be assessed accordingly.

In January 2014 Council approved an application (DA 180\1176\13) for the demolition of the existing dwelling and ancillary structures. That application has been acted upon and the land has been cleared.

The current proposal, Development Application 180\0483\14, was lodged with Council on 14 May 2014 by J24 Building Designers on behalf of the registered land owners. The proposal was determined to be a Category 3 development for the purposes of public notification, to be assessed on merit against the provisions of the Burnside (City) Development Plan.

During the notification period Council received four (4) written submissions from the owners of adjoining land to the south (28 Katoomba Road), to the east (4 and 6 Schebella Court) and to the west (27 Katoomba Road). All third party representors were in favour of the proposal but did express some concerns. As one of the four representors indicated a desire to address the Development Assessment Panel (the Panel) in person, the application is now presented to the Panel for a decision.

As part of Council's internal assessment process, the proposal was also referred to the Senior Engineer to assess the impact of development on local infrastructure, and to the Tree Management Officer to assess the impacts of the access location and driveway across the verge.

The proposal underwent an amendment during the course of the assessment, which was aimed to appease Council's concerns with respect to the finished floor level of the dwelling. The applicant lowered the finished floor level from 191.80 to 191.30 and reduced the height of the masonry fence on the northern boundary from a maximum height of 2.74m to 2.3m above the level of the Council road reserve. The ground levels of the garden area at the north-western corner were also reconfigured to include a 1m high retaining wall on the boundary and then a 500mm high retaining wall set-in a further 3m from the corner cut-off. These changes were made prior to the period of public notification.

Pursuant to Council's Development Delegations Policy, the application is now presented to the Panel for consideration as a Category 3 development with unresolved representations. Should the Panel determine to grant consent to the development, the applicant will be required to obtain Building Rules Consent prior to Council issuing Development Approval.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a regular shaped allotment at the intersection of Katoomba Road and Schebella Court, in the suburb of Beaumont. The land has an overall area of approximately 777m², a width of 19.5m, a depth ranging 39.6m and a corner cut-off. The topography slopes up from the northwest corner to the southeast corner with a difference in levels of approximately 1.5m overall.

The land has been cleared of all buildings and vegetation, with the exception of a small outbuilding near the eastern boundary. The land is elevated above the road reserve by approximately 1.8m at the north-eastern corner and lowers to approximately 1.2m near the eastern boundary.

3.2. Locality

The subject land is located within the Residential Zone of the City of Burnside, towards the northern end of Residential Policy Area 27 – Southern Foothills (RPA 27). The locality comprises those allotments with a direct frontage to Katoomba Road and Schebella Court within a 60m radius from the subject land.

Allotments within this locality are varied between regular and irregular in shape and range in size between 400m² and 2,000m². The local streetscape character is comprised mainly of detached dwellings on individual allotments, with widely varying architectural styles, heights and set-backs. The locality is strongly influenced by its proximity to the Hills Face Zone and the steep and varied topographical features. Local amenity is enhanced by wide grassed verges and well-landscaped front gardens.

4. KIND OF ASSESSMENT

Kind:	Merit
Reason:	<i>Development Act 1993, Section 35(5)</i>
Applicant Appeal Opportunity:	Yes

5. PUBLIC NOTIFICATION

Category:	Category 3
Reason:	<i>Development Act 1993, Section 38(2)(c)</i>

Cut / Fill:	The subject land is located within Residential Policy Area 27 – Southern Foothills in which, earthworks >9m ³ constitutes development pursuant to the <i>Development Regulation 2008</i> , Schedule 2, Clause 1(1) & (2)(c). Accordingly, Council's assessment must also consider the extent of earthworks that is proposed as it exceeds >9m ³ .
Representations Received:	<ul style="list-style-type: none"> • 27 Katoomba Road, Beaumont (wish to be heard) • 30 Katoomba Road, Beaumont (not to be heard) • 6 Schebella Court, Beaumont (not to be heard) • 4 Schebella Court, Beaumont (not to be heard)
Third Party Appeal Opportunity:	Yes

- Representations received are provided as an attachment to the Panel.
- Applicant's response(s) to representations are provided as an attachment to the Panel.

6. AGENCY REFERRALS

- Internal agency referrals are provided as an attachment to the Panel.

7. EXECUTIVE SUMMARY

7.1. Land Use

The site of development is an existing Torrens title allotment within the Residential Zone that satisfies the relevant land size criteria prescribed in RPA 27 for the accommodation of a single self-contained detached dwelling. The development maintains and continues the established residential use of the site (existing dwelling has been demolished) and is not considered to be fundamentally at variance with the policies of the Burnside (City) Development Plan.

7.2. Character

The Development Plan seeks to maintain and enhance a residential character primarily derived from low density allotments with dwellings in a variety of styles that are medium to large in scale with split-level or multi-storeyed construction. Many dwellings are constructed on elevated land and orientated to take advantage of views across the Adelaide Plains. Streetscapes are enhanced by open, well-vegetated front gardens, and grassed verges. The proposed development is deemed to be compatible with these characteristics.

In terms of architectural style, the proposed building offers a contemporary façade to the streetscapes of Katoomba Road and Schebella Court. There is a high level of fenestration featured throughout the building façade which is accompanied by contrasting natural Travertine tile piers, Alucobond clad eaves to define the waistline of the dwelling, Dulux Lexicon cement render, natural staked sandstone walls and natural anodised sandstone walls, and natural anodised aluminium window frames. The roof is to be clad in Colorbond Monument in corrugated profile with a conventional pitch of 20 degrees.

Although the immediate locality includes dwellings of generally modest proportions of the post war era and conventional architecture, the proposed dwelling is considered to achieve the greater intent for the policy area contributing to the wide variety of dwelling styles, medium to large in scale and multi-storeyed.

In terms of siting, the proposed building generally accords with the 8m front set-back guideline, with the external walls of the ground floor façade set-back in-line with the 8m guideline and the first floor façade set-back by 9m. The front portico protrudes a further 1m toward the front boundary, however, this is considered to be a minor departure in quantitative terms, as the dwelling will maintain an ordered alignment with the existing dwellings on the eastern side of Katoomba Road. The visual presence of the building is also somewhat mitigated by the open design of the front yard, the depth of the Council verge, and the presence of a mature street tree in front of the subject land.

From the secondary road, the first floor of the dwelling will be set-back 4.5m, whilst the ground floor will have a set-back of 4m thus exceeding the 3m guideline for building set-backs from a secondary frontage. The dwelling achieves, and exceeds the ground floor set-back guidelines from the southern boundary, measuring in at 2.2m. However for a span of 5.3m the first floor is set-back 3.4m before increasing to 4.4m for the remaining portion of the first floor. The 600mm shortfall from the 4m guideline is considered to be a minor and negligible departure given that the adjoining dwelling at 28 Katoomba Road is sited on slightly higher ground, and the portion of the dwelling falling short of the guideline will abut the driveway area.

The first floor is set-back in excess of the 8m rear boundary guideline but falls short of the 4m ground floor guideline, with the garage measuring 2.7m from the rear boundary. It is important to note that the rear boundary of the subject land serves as the side boundary for the dwelling at 2 Schebella Court which has its solid garage wall approximately 1.2m from the boundary. The proposed 2.7m set-back maintains an appropriate pattern of space between the two buildings and considering the proposal does not include any boundary development, the siting of the garage is considered acceptable.

In terms of amenity impacts on neighbouring properties, it is noted that the development either meets (with the exception of a portion of the first floor) or exceeds set-back guidelines to the southern side and to the eastern rear boundaries, and will have a finished ground floor level lower than each of the neighbouring properties. This aids in reducing the height and visual bulk of the first floor and provides adequate separation between buildings for sunlight access.

The proposed dwelling is to be constructed on an allotment that is already elevated above the surrounding Council verge (189.6) by approximately 1.8m toward the western end (191.4) and 1.3m (measured against 191.0) at the eastern end (192.3.). Earthworks are proposed to remove some of the existing soil on the land and allow for a finished floor level of 191.3 for the main ground floor area and garage, with a step down to 191.25 and 191.20 for the alfresco, portico and swimming pool paved area respectively. The new retaining wall to be constructed around the perimeter of the land will measure 1m at the corner (the highest point), with a second retaining wall set-in 3m from the corner measuring 500mm high. The stepped terraces facilitate an orderly transition between the Council verge and the subject land which improves the existing steep embankment at the property boundary that currently measures approximately 1.5m high.

7.3. Site Functionality

The extent of the building footprint meets Council guidelines for both ground and total floor area site coverage. The building envelope is generally acceptable in the context of its relationship with the streetscape and adjoining buildings and does not impose unreasonable visual impacts on adjoining residents.

The extent and configuration of private open space allocated to the northern and south-eastern sides of the dwelling together satisfy the 50% area guideline for private open space as a percentage of the total dwelling floor area. The private open space is largely configured to achieve northern sunlight access and provides a satisfactory distribution of space for the future occupants of the dwelling.

The development also retains sufficient off-street vehicle parking provisions in excess of Table Bur/5 guidelines for residential development, which assists in minimising parking congestion along nearby Council roads.

The existing crossover on Schebella Court is to be modified, allowing for better alignment with the garage entrance. The driveway is shown to be set-back 1.5m from the existing street tree located within the Schebella Court road reserve in accordance with the advice from Council's Tree Management Officer.

7.4. Public Notification

During the notification period Council received four (4) written submissions from the owners of adjoining land to the south (28 Katoomba Road), east (4 and 6 Schebella Court) and west (27 Katoomba Road).

The neighbour to the south sought assurances that fencing would maintain privacy and security to their property whilst the resident at 6 Schebella Court requested the retention of the street tree located within the Schebella Court road reserve.

The neighbours at 4 Schebella Court and 27 Katoomba Road both expressed their support for the proposal but raised concerns about the finished floor level of the dwelling, which together with the existing raised soil levels, would contribute to a visually imposing building compared to adjoining dwellings. The neighbour at 27 Katoomba Road was also concerned about the potential for overlooking from the upper level, western facing windows located on the main façade of the proposed dwelling into private open space.

In response to the above concerns, the Applicant reaffirmed that the proposed development has been designed in a manner that largely complements its surrounds. The Applicant noted that the existing land contours are being lowered by as much as 500mm at the south-eastern corner to ensure that the dwelling fits neatly within the streetscape. The Applicant also considers that the existing mature street tree within the Katoomba Road reserve will provide appropriate privacy screening to prevent overlooking into adjoining land at 27 Katoomba Road.

Despite the representor's concerns regarding the finished floor level of the dwelling, Council is satisfied with the proposal in this regard. Whilst the dwelling sits above the adjacent verge, it will remain sunken below the level of each of the neighbouring properties. This, combined with the generous front, side and rear set-backs to the ground and first floors, ensures that patterns of space between adjoining buildings and public spaces allow for adequate visual relief for the occupants of adjoining land.

On the matter of overlooking, the western facing first floor windows and balcony are shown to have no privacy treatments. The first floor is set-back from the front property boundary by 9m and a total of 24m from the eastern boundary of the adjoining land at 27 Katoomba Road. Within the space between the two properties lies Katoomba Road which has a carriage width of 7m and two (2) mature street trees planted within the Council road reserve; one (1) directly in-front of the subject land and one (1) in-front of 27 Katoomba Road.

The trees are deciduous and although they lose their foliage during through autumn and winter months, they have a full and dense canopy during the summer and spring. Whilst some overlooking may be possible during autumn and winter, even without their foliage the upper branches of the trees can provide some screening and visual relief.

Apart from the screening provided by the street trees, the spatial separation between the proposed dwelling and private open space area of 27 Katoomba Road serves as a satisfactory component in preventing direct and unreasonable overlooking. The Planning SA publication *Good Residential Design 1999*, talks about a distance of 15m between windows and sensitive areas as providing a reasonable level of privacy in residential areas. Although Council's Development Plan does not have any guidelines to this effect, it is maintained as a useful reference in considering matters of overlooking in localities of a residential nature.

7.5. Agency Referrals

As part of Council's internal assessment process, the proposal was referred to the Senior Engineer to assess the impact of development on local infrastructure, and to the Tree Management Officer for an assessment of the impacts of the driveway across the verge.

Initially, concerns were raised by Council's Tree Management Officer about impacts to an Almond Tree located within the Schebella Court road reserve. Through negotiations between the applicant and staff a suitable arrangement has been agreed upon whereby Section 221 authorisation can be obtained should the Panel see fit to approve the development.

7.6. Conclusion

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0483\14, by J24 Building Designers, is **granted** Development Plan Consent subject to the following conditions:

Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the Council pursuant to Section 221 of the *Local Government Act 1999*.

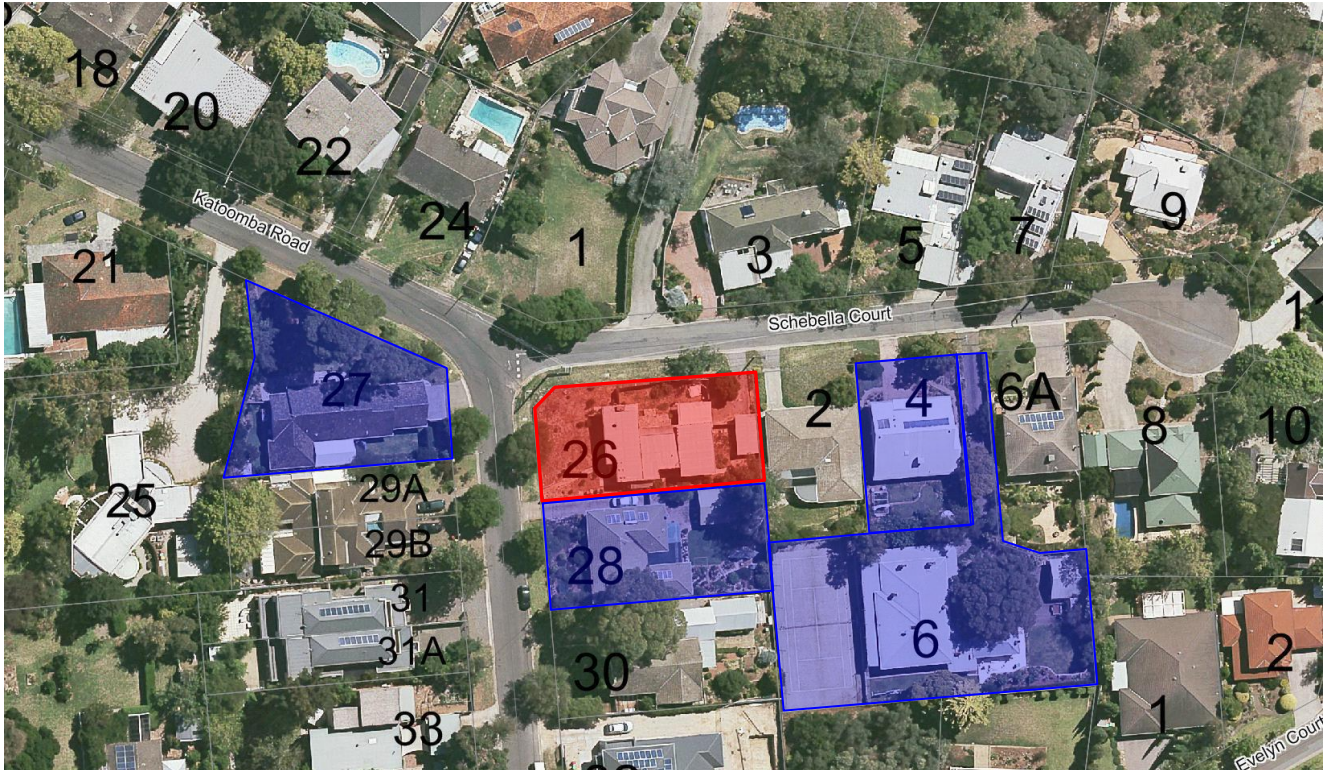
Reason:

To ensure the applicant has secured all relevant consents/authorisations required prior to the commencement of development.

RECOMMENDING OFFICER

Jason Cattonar
Team Leader – Planning

AERIAL LOCALITY MAP



Legend



Subject Land



Representor's Land

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

Primary Residential Policy Area 27 Objectives:

Objective 1:

Enhancement of the low density, open residential and foothills character that is derived from:

- (a) *the topographic and other natural features of the foothills location, and dwellings in a variety of architectural styles (typically, detached dwellings, medium-to-large in scale, with split-level or multi-storeyed construction);*
- (b) *many dwellings on elevated land and orientated to take advantage of views across the Adelaide Plains;*
- (c) *moderate to deep building set-backs from roads, well-vegetated and generally unfenced front gardens;*
- (d) *proximity to the natural character of the adjoining Hills Face Zone;*
- (e) *a pattern of development, including the division of land, that varies considerably with the topography (the Policy Area contains some of the steepest land in the Council area), commonly imposing significant constraints on efficient development, access and servicing (to the extent that on some steep sites, a carport may need to be located between a dwelling and the road, subject to siting and design to minimise visual impact); and*
- (f) *a transition in character and dwelling density between steep land near the Hills Face Zone, where allotments are large and irregularly-shaped, and lower slopes, where there are more regular, compact patterns of land division and generally consistent building set-backs and orientation towards roads.*

Acknowledged, significant variations from the desired character, or the prevailing character or environmental conditions, forming, nevertheless, part of the character that is to be enhanced, are found:

- (a) *on land which, due to its elevation, gradient and aspect, is visible from the Adelaide Plains or main public vantage points in the foothills;*
- (b) *on land adjacent to the Hills Face Zone, or other open land where there may be significant risk of bushfire;*
- (c) *on sites containing or affected by historic mining works;*
- (d) *on filled land, such as the former Dashwood Road Dump at Beaumont;*
- (e) *on land containing remnant indigenous vegetation;*
- (f) *on steep land with limited development and access opportunities, in particular, land fronting the section of Sunnyside Road between Gill Terrace and Wheal Gawler Street, on the eastern side of Wheal Gawler Street; and*
- (g) *in the "Burnside Park Estate" (centred on Ifould Drive and Burnalta Crescent), where specific encumbrance provisions apply.*

Subject:	Assessment:
DP Ref	
Desired Land Use O 1	<ul style="list-style-type: none"> • Satisfied. The development facilitates the continued use of the land for residential purposes.
Local Compatibility PDC 1	<ul style="list-style-type: none"> • The development is consistent with Objective 1(a) and (b) in that it comprises the construction of a large detached dwelling of two storeys on elevated land and is orientated to take advantage of views across the Adelaide Plains. • The dwelling style is consistent with at least two other established dwellings within the broader locality, and contributes to a diverse overall character that is comprised of a variety of dwelling styles.
Site Areas and Frontages PDC 2-5	<ul style="list-style-type: none"> • Satisfied. The subject land is an existing Torrens title allotment of sufficient size and frontage width.
Building Set-backs PDC 6	<ul style="list-style-type: none"> • The main façade of the dwelling has been sited to achieve the 8m guideline however the front portico extends a further 1m toward the front boundary.

	<ul style="list-style-type: none">• The main façade of the dwelling has been sited to achieve the 8m guideline however the front portico extends a further 1m toward the front boundary.• This departure is considered negligible in qualitative terms given the first floor is set-back further at 9m and the composition of materials and architectural design of the dwelling does not leave the portico and being a bold focal point of the dwelling.
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Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:

Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 5:

Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1-8 PDC 1	<ul style="list-style-type: none"> • Satisfied. See policy area comments for further detail.
Building Appearance PDC 2-4	<ul style="list-style-type: none"> • The subject land was cleared as part of a demolition application approved by Council in January 2014. • The development is sited to permit long-term landscaping on all four sides of the proposed building. Through appropriate selection it is possible to establish vegetation that complements the scale and proportions of that building. • The dwelling will be finished in a combination Travertine tiles, selected render with Colorbond roofing materials and anodised aluminium door and window frames. These are not viewed as highly reflective surfaces and therefore, in themselves, are not anticipated to cause unreasonable nuisance to residents in the locality. • The design steps down from two-storey form to single storey at the rear and at the garage, which assists with the visual transition to the single storey dwelling to the east. • The ground floor of the proposed dwelling has been sited above the nearby verge, but below that of the neighbouring dwellings to the south and east. This is a satisfactory outcome and avoids extensive earthworks around the dwelling curtilage. • The proposed roof design is compatible with other hip roofs within the locality, and assumes a similar pitch to that of existing dwellings that share a direct visual relationship.
Design for Topography PDC 5-6	<ul style="list-style-type: none"> • Satisfied.

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 11:

Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

Objective 20:

The amenity of localities not impaired by the appearance of land, buildings and objects, or by noise, light, emissions, traffic or any other quality, condition or factor.

Objective 21:

Protection and enhancement of visual amenity by ensuring a high standard of design in respect of the appearance of development, and by the conservation and establishment of vegetation, including trees.

Objective 50:

A compact metropolitan area.

Objective 51:

A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 52:

Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 53:

Safe, pleasant, accessible and convenient residential areas.

Objective 54:

Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Subject: DP Ref	Assessment:
Zoning and Land Use O 8–9, 50–54 PDC 1, 3	<ul style="list-style-type: none"> Satisfied. See zone and policy area comments for further detail.
Building Set-backs PDC 123–125	<p><u>Front Set-backs</u></p> <ul style="list-style-type: none"> The main façade of the ground floor is set-back 8m with the first floor at 9m from the front property boundary. The main portico measures 7m which is 1m shy of the 8m guideline. This is considered to be a minor and acceptable departure. <p><u>Side Set-backs</u></p> <ul style="list-style-type: none"> The two storey component will be set back 4m from the secondary road (Schebella Court), which exceeds the requirements of PDC 161(b). The first floor will have a reduced set-back to the southern boundary of 3.4m for a span of 5.3m before it increases to 4.4m for the remaining portion of the building. The departure is acceptable in this instance given that the rear section of the dwelling is comparatively smaller in height and scale, and the adjacent dwelling to the south is constructed on a higher platform and its driveway is located along the northern boundary. The dwelling exceeds ground floor set-back guidelines with regard to the southern side boundary.

	<p>Rear Set-backs</p> <ul style="list-style-type: none"> • The first floor exceeds the rear set-back guideline by 12m. • The garage is shown to be set-back by 2.7m from the rear boundary which falls 1.3m short of the 4m guideline. This quantitative shortfall is considered negligible given the siting of the garage on adjoining land to the east, the maintenance of the patterns of space between buildings and the absence of any boundary development proposed by this application.
<p>Building Height PDC 126</p>	<ul style="list-style-type: none"> • The development accords with the maximum building height of two-storeys and measures 7.9m at its highest point above finished ground level to be in accordance with the 9m maximum building height guideline.
<p>Site Coverage PDC 127</p>	<ul style="list-style-type: none"> • Satisfied.
<p>Private Open Space / Landscaping PDC 128, 129</p>	<ul style="list-style-type: none"> • Satisfied.
<p>Amenity O15-17 PDC 22-33</p>	<ul style="list-style-type: none"> • Satisfied.
<p>Access / Street Trees / On-site Car Parking PDC 137-142</p>	<ul style="list-style-type: none"> • Satisfied.
<p>Privacy O15 PDC 23, 134-136</p>	<ul style="list-style-type: none"> • Satisfied.
<p>Access to Sunlight PDC143-146</p>	<ul style="list-style-type: none"> • Satisfied.
<p>Fences / Retaining Walls PDC 150-154</p>	<ul style="list-style-type: none"> • New retaining walls are to be constructed along the southern and eastern property boundaries to replace existing retaining walls. Given that the subject land is lower than the two adjoining properties, there will be no impact in terms of visual amenity to the neighbouring residents. • Although it does not require approval in its own right, there will be a new 1m (max) retaining wall constructed along the northern and western boundaries of the land with a second terraced section also requiring a 500mm high retaining wall. The walls will help to stabilise the existing soil on the land which sits higher than the surrounding road reserve. • The northern boundary also includes a masonry fence to enclose the private open space and pool area associated with the dwelling. Given the sloping nature of the road reserve that rises up from west to east, the fence will measure 2.3m high at the western end before tapering to 1.8m at the eastern end. The fence will be cement rendered in Dulux Hog with natural Travertine tile panels featured throughout providing a high quality and appealing finish to the streetscape.
<p>Safety / Security PDC 155-158</p>	<ul style="list-style-type: none"> • Satisfied.

<p>Environmental / Water Conservation O 11–14 PDC 14–21, 160–161</p>	<ul style="list-style-type: none">• Environmental performance and water conservation are largely addressed at the Building Rules Consent stage of the assessment process.• The performance provisions in the Building Code of Australia require all new dwellings to achieve a six star energy rating, control the flow of stormwater run-off from the site of development and must incorporate an additional water supply other than the mains reticulated supply, plumbed to at least a water closet, or a water heater or all of the cold water laundry outlets.• The proposed floor plan features sufficient northern sunlight access to primary living areas.
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APPENDIX 3
DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Street Frontage</i>	16.46m + 4.3m corner cut-off	20m
<i>Site Area</i>	777.39m ²	750m ²
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	34%	40%
- Buildings and driveways	46%	50%
<i>Total Floor Area</i>	45%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	7.4m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	8m (main façade) 7m (front portico)	8m
- side boundary	2.2m (south) 4m (secondary road)	2m 3m
- rear boundary	2.7m	4m
<i>Upper Level</i>		
- front boundary	9m	8m
- side boundary	3.4m (south) 5m (secondary road)	4m 3m
- rear boundary	20m	8m
<i>Boundary Wall</i>	No boundary walls	8m x 3m
<i>Private Open Space</i>		
- percentage	53% of TFA	50% of TFA*
- dimensions	10m x 13m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	2 (garage) + 2 (driveway)	2
- width of driveway	4.5m	4.5m
- width of garage/carport door	16% of frontage	33% of frontage

*Total Floor Area (TFA) is measured from the external faces of the walls of the building or buildings, including balconies, carports and garages.

DEVELOPMENT APPLICATION

Application Number:	<i>180\0942\14</i>
Applicant:	<i>PJ Van der Linden</i>
Location:	<i>5 Allinga Avenue Glenside</i>
Proposal:	<i>Tennis court including lighting and fencing and relocation of existing shed</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 20 – Glenside (Village) Development Plan consolidated 30 January 2014</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 3 One (1) representation received</i>
Appeal Opportunity	<i>Applicant and third party appeal rights</i>
Referrals – Statutory:	<i>N/A</i>
Referrals – Non Statutory:	<i>N/A</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<i>Troy Fountain</i>

REPORT CONTENTS

- Assessment report:
 - Appendix 1 – Aerial Locality Map
 - Appendix 2 – Detailed Planning Assessment

Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Representation received
- Applicant’s response to the representation
- Photographs

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the following:

- Construction of 3.6m high chain mesh fencing along the northern, western and southern sides of the tennis court and partially along the eastern side;
- Installation of four (4) 6.5m high light poles and associated luminaries;
- Removal of an exempt *Fraxinus Angustifolia* (Narrow Leaved Ash); and
- Relocation of an existing shed and trampoline located in the rear yard.

2. BACKGROUND

Council records detail one previous application registered against the subject land, which bears relevance to the current proposal. Application 180\0851\14 for a boundary re-alignment, transferred a portion of the rear yard located at 3 Allinga Avenue to the rear yard of the subject land.

The current proposal was lodged on 05 September 2014 by PJ Van Der Linden on behalf of the registered owner of the land AS Bosboom. The proposal was determined to be Category 3 for the purposes of public consultation, which was assessed as a 'merit' development against the relevant provisions of the Burnside (City) Development Plan.

The application documents were made available for public viewing in early October 2014, during which time Council received one (1) written submission from the adjoining property owner directly to the west of the subject land. The representor indicated that they are opposed to the development and requested the opportunity to appear in person (or by representative) before the Development Assessment Panel (the Panel).

Council has since received a response to the representation prepared by PJ Van der Linden on behalf of the registered owner of the subject land. The response to the representation included an agreement to limit lighting hours between 7:00am and 10:00pm during any night of the week. This has been reflected in a condition as part of the recommendation.

No statutory referrals were required during the course of the assessment. The advice of an independent lighting engineer was not deemed as necessary, given the compliance with Australian Standards with regard to light spill on the boundary being restricted to 10lux.

The proposal is now presented to the Panel as a Category 3 development with an unresolved representation and a staff recommendation of consent subject to conditions.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is an existing rectangular shaped allotment, with Council approval given to realign the northern rear boundary to include a portion of the abutting property's rear yard. A Certificate of Title confirming the boundary realignment has not been deposited, as this is pending the current tennis court approval. The subject land has an approximate area of 714.4m², or 1050m² inclusive of the boundary realignment. The subject land is relatively flat and does not include any regulated trees.

The subject land currently contains a two-storey conventional detached dwelling located centrally on the allotment. An existing outbuilding is located in the rear yard of the subject land.

3.2. Locality

The locality comprises those properties fronting Allinga Avenue, between Cranwell Avenue to the south and Knoxville Lane to the north. The subject land is located wholly within the Residential Zone and more specifically Residential Policy Area 20. The Local Heritage Place, Knoxville Bible Church and Trees is located to the north of the subject land and is not impacted upon by the proposal.

The immediate locality is comprised of long narrow allotments including both single and two-storey detached, group and residential flat dwellings. There is no consistent architectural character within the locality. Tennis courts located in the rear yards of properties can be found within the locality.

4. KIND OF ASSESSMENT

Kind:	Merit
Reason:	<i>Development Act 1993, Section 35(5)</i>
Applicant Appeal Opportunity:	Yes

5. PUBLIC NOTIFICATION

Category:	Category 3
Reason:	Development Act 1993, Section 38(2)(c).
Representations Received:	<ul style="list-style-type: none"> Unit 7/10 L'Estrange Street, Glenside (wish to be heard)
Third Party Appeal Opportunity:	Yes

- Representation received is provided as an attachment to the Panel.
- Applicant's response to the representation is provided as an attachment to the Panel.

6. AGENCY REFERRALS

- N/A

7. EXECUTIVE SUMMARY

7.1. Land Use

In relation to the current proposal, the following comments are made:

- The development comprises domestic structures associated with an existing residential allotment within the Residential Zone;
- The development facilitates and enhances the continued use of the land for residential purposes;
- The proposal is not listed as a non-complying development in the Zone provisions of the Development Plan; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

The proposed development is therefore not considered to be seriously at variance to the Burnside (City) Development Plan.

7.2. Character & Amenity

The proposed development will have minimal impact on the overall streetscape character of the locality as the fencing and lighting structures associated with the tennis court will be sufficiently distanced from the public road and largely obscured from view by the existing dwelling.

With respect to the appearance of fencing and light poles from the neighbouring properties, the fencing materials are semi-permeable and do not have the same imposing appearance as a solid structure of such height. The light poles exhibit a visual mass that is relatively minimal and are not uncommon within the area.

The neighbouring property to the west of the subject land is located unusually close to the rear boundary. This creates a potential for issues resulting from any development close to the intervening boundary between the properties.

Despite the proximity of the tennis court to the adjoining properties east and west of the subject land, Council is satisfied that sufficient evidence has been provided demonstrating that the proposed lighting scheme will comply with the relevant Australian Standards for light spill and glare.

The development is therefore considered to satisfy the relevant provisions of the Development Plan in respect to light spill and glare.

7.3. Public Notification

Council received one (1) written submission during the public consultation period, which expressed opposition to the proposal on the grounds of impacts to amenity.

Council is satisfied that the planning matters raised through the public notification process are sufficiently addressed through the overall design of the development and the response provided by PJ Van der Linden, insofar as they are to be determined under the *Development Act 1993*.

7.4. Agency Referrals

No statutory referrals were required under Schedule 8 of the Development Regulations 2008. As part of the application assessment, referral to Council's Heritage Consultant was not deemed necessary as there is no impact to the context or built fabric and form of the neighbouring Local Heritage Place.

7.5. Conclusion

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0942\14, by PJ Van der Linden, is **granted** Development Plan Consent subject to the following conditions:

Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The tennis court lighting hereby approved shall not be operated outside of the following hours as agreed by the Applicant:
 - Before 7.00am or after 10.00pm any night.

Reason:

To ensure the amenity of the neighbouring properties is not adversely affected by the proposal.



RECOMMENDING OFFICER

Troy Fountain
Development Officer – Planning

AERIAL LOCALITY MAP



Legend

-  Subject Land
-  Representor's Land

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

Primary Residential Policy Area 20 Objectives:

Objective 1:

Enhancement of the low-to-medium density residential character that is derived particularly from:

- (a) a wide variety of dwellings, in terms of their types, heights, periods and styles, with multi-storey residential flat buildings to the south of the District Centre; and*
- (b) continuing provision being made for a greater range and increased density of residential development, given the proximity of the Policy Area, and its ready pedestrian access, to the District Centre Zone and to public transport services.*

Principle 1:

Development should complement the scale, bulk, siting and positive elements of existing dwellings where a distinctive and attractive streetscape character exists.

Subject:	Assessment:
DP Ref	
Desired Land Use O 1	<ul style="list-style-type: none"> • The development does not seek to alter the existing and lawful residential land use. • Domestic tennis courts and associated fencing and lighting are a common feature throughout the suburbs of the City of Burnside.
Local Compatibility PDC 1	<ul style="list-style-type: none"> • The proposed tennis court fencing and lighting will not form a dominant part of the streetscape, being located beyond the ridgeline of the dwelling and, in the case of the light poles, more than 54m from the street.

Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:

Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 3:

Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.

Objective 4:

Provision of residential and community facilities and services for the aged community.

Objective 5:

Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Objective 6:

A zone accommodating non-residential activities which are small in scale, benign in external impact, and serve the needs of the local community.

Objective 7:

Reduction of the impact of established non-residential uses on the amenity of residential areas.

Objective 8:

Use of design, management and other techniques to improve all aspects of the environmental performance of development.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1–8 PDC 1	<ul style="list-style-type: none"> • Satisfied.
Building Appearance PDC 2–4	<ul style="list-style-type: none"> • Satisfied.

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 50:

A compact metropolitan area.

Objective 51:

A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 52:

Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 53:

Safe, pleasant, accessible and convenient residential areas.

Objective 54:

Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Subject: DP Ref	Assessment:
Zoning and Land Use O 8–9, 50–54 PDC 1, 3	<ul style="list-style-type: none"> • Satisfied.
Building Height PDC 126	<ul style="list-style-type: none"> • Light poles do not exceed 6.5m in height.
Private Open Space / Landscaping PDC 166, 169	<ul style="list-style-type: none"> • The tennis court is used as private open space in association with the existing two-storey detached dwelling located on-site
Amenity O15–17 PDC 22–33	<ul style="list-style-type: none"> • Although taller than traditional boundary fencing, the proposed tennis court fence is semi-permeable in nature and not uncommon within a residential setting. • The fencing height has been reduced as low as practicable to provide some visual relief to adjoining neighbours; • The proposed light poles are a slim design and finished with non-reflective materials to minimise visual presence. • The applicant has provided sufficient evidence demonstrating that the proposed lighting scheme will comply with the relevant Australian Standards concerning light spill and glare within residential settings. • The Australian Standards are viewed as an appropriate benchmark for determining acceptable levels of light spill and glare in this instance. • Lighting hours of operation shall be restricted in accordance with established Council practice to ensure impacts to adjoining neighbours are minimised within reason.
Fences / Retaining Walls PDC 190–194	<ul style="list-style-type: none"> • Satisfied.

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DEVELOPMENT APPLICATION

Application Number:	<i>180\0470\14</i>
Applicant:	<i>A Ali & ZZ Begam</i>
Location:	<i>16 Brooker Street, Glenunga</i>
Proposal:	<i>Two-storey residential flat building comprising two dwellings including front balconies and fencing.</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 24 Glenunga (North) Development Plan consolidated 30 January 2014</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category Two Seven (7) representations received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Non Statutory:	<i>Senior Engineer / Tree Management Officer</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<i>Theresa James</i>

REPORT CONTENTS

- Assessment report:
 - Appendix 1 – Aerial Locality Map
 - Appendix 2 – Detailed Planning Assessment
 - Appendix 3 – Development Data Table

Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Applicant's response to representations
- Photographs

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the following:

- Construction of a two-storey residential flat building comprising two dwellings; and
- Retaining walls (up to 600mm) with 1.8m Colorbond fencing atop.

2. BACKGROUND

In May 2014 the subject development application was lodged with Council. This application was considered a merit type application pursuant to Section 35(5) of the Development Act, 1993.

The form of the proposed building, comprising a single building in which there are two dwellings, is as a residential flat building as defined by the Development Regulations, 2008. The dwellings are not semi-detached dwellings, as each dwelling does not occupy a site exclusively with that dwelling.

As the application involves the construction of a two-storey building and the development results in more than one dwelling on the site of the development, the application was categorised as Category 2 public notification pursuant to Residential Policy Area 24 Principle of Development Control 11(a) and (d).

In May 2014 Council requested additional information from the applicant, which was received in August and September 2014. Once this information was received, the application was placed on public notification. The public notification commenced on 03 October 2014, and concluded at close of business on 20 October 2014. Throughout the public notification period all adjacent land owners/residents were notified of the development and were provided with an opportunity to lodge a written representation to Council.

The public notification generated a response from seven (7) adjacent land owners/residents. As three (3) of the representations received indicates the person wishes to be heard by the Development Assessment Panel (the Panel), the application is now presented to the Panel for a decision.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land comprises a moderately sized, rectangular shaped allotment, located on the southern side of Brooker Street. The land is located within the Residential Zone, Policy Area 24 – Glenunga (north).

The land has an overall area of 825.8m² and a frontage to Brooker Street measuring 17.37m. Existing on the site is a single storey conventional style dwelling built in the 1950s, with vehicle access gained via a crossover on the western side of the Brooker Street frontage. The land is generally flat, however, a small 1.5m rise occurs nearing the rear (south) of the land.

Currently low fencing exists on the boundaries of the land, enabling some overlooking into adjoining land, particularly to the west.

3.2. Locality

The locality comprises the streetscape of Brooker Street, where it meets Kingsley Avenue to the east, and L'Estrange Street to the west. Dwelling styles vary within this locality, with its character comprised of an assortment of architectural styles. Dwellings share moderate set-backs to road boundaries, however, are situated in proximity to side boundaries, with carports or garages built on a side boundary of the land, reducing patterns of space between dwellings.

4. KIND OF ASSESSMENT

Kind:	Merit
Reason:	Section 35(5) the Development Act (1993)
Applicant Appeal Opportunity:	Yes

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 24 Principle of Development Control 11(a) and (d)
Cut / Fill:	Although a degree of fill is to be introduced to the site it is relatively minor, with the majority of fill positioned towards the front of the allotment, rather than the rear.
Representations Received:	<ul style="list-style-type: none"> • 13 Brooker Street (not to be heard) • 14 Brooker Street, Glenunga (wish to be heard) • 18 Brooker Street, Glenunga (wish to be heard) • 15 Brooker Street, Glenunga (not to be heard) • 1B Le Roy Street, Glenunga (not to be heard) • 3 Le Roy Street, Glenunga (wish to be heard) • 5 Le Roy Street, Glenunga (not to be heard)
Third Party Appeal Opportunity:	No

- Representations received are provided as an attachment to the Panel.
- Applicant's response(s) to representations are provided as an attachment to the Panel.

6. AGENCY REFERRALS

- Internal agency referrals are provided as an attachment to the Panel.

7. EXECUTIVE SUMMARY

7.1. Land Use

In relation to the current proposal, the following comments are made:

- The proposal is for residential development in the Residential Zone;
- The proposal is not listed as a non-complying development in the relevant policy area provisions of the Development Plan; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

The proposed development is therefore not considered to be seriously at variance to the Burnside (City) Development Plan in terms of its land use.

7.2. Character

The policy area envisages low scale, low density residential character, with buildings moderately setback from road boundaries. Whilst the proposal will result in an additional dwelling on the site, thereby doubling the existing density, the consequential density is still considered low in town planning terms. The design of the dwellings includes a building with centrally located upper levels, such that the dwellings appear as a single building within the streetscape. This appearance is further enhanced by the lack of boundary wall development, which creates a central building envelope between the boundaries of the land.

Whilst the overall height of the building will be two-storeys when viewed from the street, the deep upper level front set-back of 11.4m, together with its central location and deep 4.3m set-backs to side boundaries, ensures the scale of the development on the site is reduced. In any event, the subject policy area is not one of the few policy areas within the Residential Zone that precludes two-storey buildings.

Despite the deficit in site areas for each dwelling, the shortfall does not manifest itself in failure to satisfy many important quantitative requirements. A frequently cited case in planning law is *Dottore v City of Burnside*. That proposal was similar to this application, in that the shortfall in site areas of respective allotments resulted in only two quantitative provisions not being met (site coverage and side boundary set-backs). In that case, the shortfall resulted in minor discrepancies and the Court considered them inconsequential.

The shortfall in the ground level side set-back (300mm) and the excess in total site coverage (5.6%) is only slightly at odds with Development Plan provisions, and does not result in significant external impacts. The proposed building exceeds front and rear boundary set-back guidelines, exceeds upper level set-back guidelines, provides sufficient private open space to future occupants, the sunlight access accords with the relevant principles, and the building includes no boundary development thus creating appropriate separation between buildings as viewed from the street. Given these features, the proposed development does not negatively impact on the character of the locality.

7.3. Amenity

As the development involves the construction of a two-storey building, it has the potential to impact on the amenity of adjoining residents, in terms of overshadowing and privacy. Given the development's orientation and the location of the land, however, it is not expected to overshadow adjoining land to any significant degree. This is further supported by the overshadowing diagrams submitted with the application details.

The development includes upper level windows. To ensure these windows do not unreasonably overlook adjoining land, a condition of planning consent has been included requiring these windows to be fixed with obscured glazing to a height of 1.6m.

This application seeks to install 1.8m high fencing to the side and rear boundaries, atop retaining walls at some locations. Currently, overlooking from the rear yard onto adjoining land is possible. The inclusion of new fencing will improve existing overlooking conditions.

7.4. Public Notification

During the public notification period the application generated a response from seven (7) neighbours. Adjoining land owners/residents raised the following concerns:

- Privacy from upper level windows;
- Erosion of existing character/bulk and scale.
- Site area shortfall;
- Site coverage;
- Car parking; and
- Sewerage planning.

The Applicant provided a written statement responding to the representations received. The response notes that the street has an eclectic housing stock with varying setbacks to road boundaries, resulting in no cohesive built-form character. It also notes the many allotments within the locality that also share allotments sizes less than 500m². The response to representations correctly identifies that the dwellings adhere to the car parking requirements expressed within the Development Plan.

The applicant's response refers to the use of fixed obscured glazing to upper level side elevation windows, and that upper level rear elevation windows have a sill height of 1.6m above the floor level. These privacy measures accord with privacy provisions within the Development Plan.

7.5. Agency Referrals

The application was referred to Council's Engineer and Arboriculture Officer to ensure the proposed access arrangement satisfies Council's requirements.

The Applicant supplied stormwater detention calculations at the request of Council's engineer, which were considered acceptable.

The site plan notes that a small street tree may require removal to accommodate the additional driveway, however, this has not been determined by the applicant with any certainty at this stage. Council's Arboriculture Officer supports the removal of the small tree if required, with a replacement tree to be paid for by the applicant. In any event, works to the Council verge area must be dealt with by a separate authorisation (Section 221 Authorisation).

7.6. Conclusion

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0470\14, by A Ali & ZZ Begam, is **granted** Development Plan Consent subject to the following conditions:

Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The alfresco structures as depicted on the stamped plans granted Development Plan Consent shall remain open structures at all times with no walls or doors attached to any elevation of the structures.

Reason:

To ensure the proposal is developed in accordance with the approved plans.

- 3 The approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the Council pursuant to Section 221 of the *Local Government Act 1999*.

Reason:

To ensure the applicant has secured all relevant consents/authorisations required prior to the commencement of development.

- 4 All side and rear upper level windows as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.6m above the finished floor level.

The fixed and obscured glazing shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

RECOMMENDING OFFICER

Theresa James
Development Officer – Planning

APPENDIX 1

AERIAL LOCALITY MAP



Legend

- Subject Land**
- Representor's Land**

APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

Primary Residential Policy Area 24 Objectives:	
<p><u>Objective 1:</u> <i>Enhancement of the low scale, low density residential character that is derived particularly from:</i> (a) <i>one-storeyed detached dwellings in a wide variety of styles, but predominantly from the interwar and post-war periods; and</i> (b) <i>moderate building set-backs from roads, open front gardens and grassed verges.</i></p>	
Subject: DP Ref	Assessment:
Desired Land Use O 1	<p>Satisfied.</p> <p>The proposed development will maintain the existing residential use of the land.</p>
Local Compatibility PDC 1	<p>A range of dwelling styles and forms exist within the immediate locality. Bungalow, reproduction, conventional and modern 20th Century architectural styles can be found within the immediate locality, as well as detached, semi-detached, single and two-storey building heights.</p> <p>The proposed building is best described as a two-storey, modern 20th Century design. It includes a greater level of separation between the building and side boundaries, as compared to existing buildings within the locality. This is considered to improve the appearance of buildings from the street by creating greater separation between built forms.</p> <p>Whilst the majority of dwellings within the immediate locality are single storey in building height, the central location of the proposed upper level, the deep front set-back associated with the two-storeyed façade, together with the high level of fenestration to the street, ensures that the proposed development respects the existing scale of development within this locality.</p>
Site Areas and Frontages PDC 7 & 9	<p>In the absence of a land division creating exclusive sites associated with each dwelling, the resultant building, comprising two dwellings, is identified as a residential flat building. The policy area suggests that a frontage of 15m is appropriate, and each dwelling should have an area of not less than 500m².</p> <p>The resultant frontage associated with the residential flat building adheres to policy area guidelines, however, the site areas associated with each dwelling falls short by 87.1m² (or 17%).</p> <p>Whilst the site area shortfall is noted, it is not inconsistent with existing site areas found within the immediate locality, and greater policy area. Dwellings at 7, 11, 11A, 20 and 20A Brooker Street are all located on land with approximate site areas of 410m²-430m², as are several other allotments on adjacent streets (Windsor Road to the north and Leroy Street to the south).</p> <p>In addition to the above rationale, it is established case law that the significance of any site area deficiency should be assessed in the context of a proposal's capacity to satisfy other relevant quantitative and qualitative provisions of the Development Plan.</p>

	<p>A frequently cited case in planning law refers to <i>Dottore v City of Burnside</i>, where a deficient site area resulted in only two quantitative provisions not being met (site coverage and side boundary setbacks). In that case, the shortfall in side set-backs and the exceeding of site coverage limits were so small that the Court considered them inconsequential.</p> <p>Site area shortfalls associated with proposed developments will often manifest itself in a failure to meet many important quantitative requirements. In this instance, only two quantitative provisions are not met, both of which illustrate only minor departures.</p>
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Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:

Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 3:

Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.

Objective 4:

Provision of residential and community facilities and services for the aged community.

Objective 5:

Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Objective 6:

A zone accommodating non-residential activities which are small in scale, benign in external impact, and serve the needs of the local community.

Objective 7:

Reduction of the impact of established non-residential uses on the amenity of residential areas.

Objective 8:

Use of design, management and other techniques to improve all aspects of the environmental performance of development.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1-8 PDC 1	Satisfied.
Building Appearance PDC 2-4	<p><u>Siting</u> The siting of the proposed building footprint is central to the allotment boundaries, providing sufficient separation from the public road. Patterns of space between buildings are typically narrow within this locality, with many buildings built in proximity to side boundaries, and most with garages or carports built on side boundaries. As this development includes no boundary development, the separation between buildings is increased and improved.</p> <p><u>Mass and proportion</u> The proposed building footprint includes deep front set-backs, with associated garages set back an additional 1.8m from the main building façade. In addition, the façade includes a high level of fenestration. Furthermore, the dwellings have been designed off the side boundaries, creating space around the building envelope. These aspects reduce the visual impact of the building as viewed from the street.</p> <p><u>Ground floor height above natural ground level</u> The proposed ground floor height of the dwelling is similar to the ground floor level of the existing dwelling on the site. To create an even ground level, a small amount of earthworks is required, resulting in retaining walls on the side boundaries.</p>

	<p>The application seeks to erect 1.8m high fencing atop said retaining walls, ensuring sufficient screening is provided from the proposed ground level.</p> <p><u>Roof form and pitch</u> The proposed 25° roof pitch is typical of residential roof forms, both within the immediate locality, and the wider Council area.</p>
<p>Design for Topography PDC 5-6</p>	<p>Satisfied.</p>

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 50:

A compact metropolitan area.

Objective 51:

A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 52:

Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 53:

Safe, pleasant, accessible and convenient residential areas.

Objective 54:

Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Subject: DP Ref	Assessment:
Zoning and Land Use O 8-9, 52-60 PDC 1, 3	Satisfied.
Building Set-backs PDC 161-162	<p><u>Front Set-backs</u></p> <p>The proposed building is setback substantially from the front boundary of the land. Whilst the Development Plan only requires a 6m front set-back, the proposed building shares an 8.9m minimum ground level front set-back, extending to 10.7m to the front of the associated garages.</p> <p>The upper level is set back additionally to the ground level façade, illustrating an 11.4m set-back from the front boundary.</p> <p><u>Side Set-backs</u></p> <p>Portions of the side elevations associated with the ground level of the building are set-back only 1.2m from respective boundaries, rather than 1.5m, with the remainder of ground level external walls set-back 3m from respective side boundaries.</p> <p>The 1.2m external wall set-backs relate to the garage and kitchen/laundry associated with each dwelling, spanning for a length of 6.5m and 6.6m adjacent respective boundaries. The location of the garages, each set-back 1.2m from side boundaries, is considered acceptable in this instance as the garage associated with Dwelling 1 lays adjacent an existing garage wall located on higher ground and on the common boundary. The garage associated with Dwelling 2 is located in a similar position to the carport associated with the existing dwelling on the land, and shares a similar set-back to the western boundary as the neighbouring building.</p> <p>The external walls associated with the kitchen/laundry area spans for relatively short distances (6.6m) adjacent respective boundaries, and include modest wall heights.</p> <p><u>Rear Set-backs</u></p> <p>Satisfied.</p>
Building Height PDC 164	Satisfied.

<p>Site Coverage PDC 165</p>	<p>The ground level site coverage of the development, inclusive of driveway areas, accords with the 40% and 50% guidelines respectively.</p> <p>The total floor area of the building, inclusive of front balconies, exceeds numerical guidelines by 5.6% (or 23.09m²). The resultant excess is considered trivial for the following reasons;</p> <ul style="list-style-type: none"> • The excess relates only to the proposed upper level, which comprises a slender component, central to the allotment and is adequately set-back from all boundaries; • The additional 23.09m² does not result in an obtrusive built-form nor does it create building envelopes inconsistent with the variety of buildings styles/forms within the locality; • As it relates to the combined ground and upper level, the 5.6% site coverage excess does not impact on landscaping opportunities; and • Sufficient private open space and functional areas are provided for future occupants.
<p>Private Open PDC 166-168</p>	<p>Satisfied.</p>
<p>Amenity O11-12, 20 – 22 PDC 14-18, 52-64</p>	<p>Satisfied.</p> <p>The dwelling has been designed so that it is adequately set-back from boundaries, with the upper level located central to the boundaries and setback additionally from the Brooker Street boundary than the lower level. This ensures the two-storey building height is not a dominant feature. In any event, two-storey buildings are not precluded in this policy area, and the proposed building would not be the first instance of two-storey development within the immediate locality.</p> <p>The development has also been designed with no walls of the building located on any boundary of the land. The lack of boundary walls improves the amenity of adjoining residents by allowing greater separation to the proposed building, despite boundary walls being envisaged by the Development Plan.</p>
<p>Access / Street Trees / On-site Car Parking PDC 177-182</p>	<p>Satisfied.</p> <p>Council's Technical Officer (arboriculture) supports the removal of a young jacaranda street tree if required to allow for the construction of the additional vehicle crossover.</p>
<p>Privacy O15 PDC 22, 174-176</p>	<p>Satisfied.</p> <p>A condition of planning consent is included in this recommendation requiring all side and rear upper level windows to be fitted with fixed and obscured glazing to a minimum height of 1.6m above the finished floor level.</p>
<p>Access to Sunlight PDC 21, 183-186</p>	<p>Satisfied.</p> <p>Given the orientation of the subject land, together with adjoining allotments, each of which have north facing frontages, the proposed building will not result in significant overshadowing to windows of habitable rooms or private open space areas. This is further demonstrated by the shadow diagrams supplied by the Applicant.</p>
<p>Fences / Retaining Walls PDC 190-194</p>	<p>Satisfied.</p> <p>As the land includes a 1.5m slope from the rear south-eastern corner of the land down towards the front north-western corner, some retaining walls will be required. A small amount of fill is proposed beneath the front of the building, predominantly beneath bedroom 1 and the garage associated with Dwelling 2.</p>

	<p>The proposal also includes new Colorbond fencing to the rear and side boundaries. This new fencing will provide sufficient screening between the subject land and adjoining land, and will improve existing overlooking from the rear yard of the subject land.</p>
<p>Environmental / Water Conservation O 11–14 PDC 14–21, 160–161</p>	<p>Environmental performance and water conservation are largely addressed at the Building Rules Consent stage of the assessment process.</p> <p>The performance provisions in the Building Code of Australia require all new dwellings to achieve a six star energy rating, control the flow of stormwater run-off from the site of development and must incorporate an additional water supply other than the mains reticulated supply, plumbed to at least a water closet, or a water heater or all of the cold water laundry outlets.</p>

APPENDIX 3

DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Street Frontage</i>	17.37m	15m (residential flat building)
<i>Site Area</i>	412.9m ²	500m ² (per dwelling)
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	37.2%	40%
- Buildings and driveways	43.4%	50%
<i>Total Floor Area</i>	55.6%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.2m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	8.9m - 10.7m	6m
- side boundary	1.2m – 3m (east & west)	1.5-2m
- rear boundary	10.7m	4m
<i>Upper Level</i>		
- front boundary	11.4m	6m
- side boundary	4.3m (east & west)	4m
- rear boundary	10.6m	8m
<i>Boundary Wall</i>		
- length	N/A	8m
- height	N/A	3m
- location	N/A	N/A
<i>Private Open Space</i>		
- percentage	63.3% of TFA	50% of TFA*
- dimensions	8m x 10m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	2	2
- width of driveway	2.8m	4.5m
- width of garage/carport door	29% of frontage	33% of frontage

*Total Floor Area (TFA) is measured from the external faces of the walls of the building or buildings, including balconies, carports and garages.

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DEVELOPMENT APPLICATION

Application Number:	180\0492\13
Applicant:	<i>Sterling Homes Pty Ltd</i>
Location:	<i>27 Lancelot Avenue, Hazelwood Park</i>
Proposal:	<i>Two-storey detached dwelling including garage, porch, alfresco, balcony, fencing/retaining walls and significant tree removal (Eucalyptus camaldulensis – River Red Gum)</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 22 – Beaumont Common Development Plan consolidated 28 February 2013</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 2 Three (3) representations received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Statutory:	<i>N/A</i>
Referrals – Non Statutory:	<i>Traffic Management Engineer / Arborist Consultant / Structural Engineer</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<i>Troy Fountain</i>

REPORT CONTENTS

- Assessment report:
 - Appendix 1 – Aerial Locality Map
 - Appendix 2 – Detailed Planning Assessment
 - Appendix 3 – Development Data Table

Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Photographs

1. DESCRIPTION OF PROPOSAL

The Applicant seeks Development Plan Consent for the following:

- Construction of a conventional two-storey detached dwelling including garage, alfresco, outbuilding and swimming pool; and
- Retaining walls to the southern boundary up to 650mm in height including 1.8m high Colorbond fencing above.

2. BACKGROUND

One previous application has been lodged and approved on the subject land:

- Development Application 180\1008\13 – Demolition of the existing dwelling – approved on 13/11/2013.

Development Application 180\0492\13 was lodged on 04 June 2013 by Sterling Homes on behalf of the owner of the subject land. The application was considered a merit form of development pursuant to Section 35(5) of the *Development Act 1993*.

As the application involved the construction of a two-storey detached dwelling, the application was placed on Category 2 notification pursuant to Residential Policy Area 22 Principle of Development Control 9(a) and (b) of the Burnside (City) Development Plan.

In October 2014 the applicant made the following amendments to the proposal:

- Inclusion of a fixed privacy screen measuring 1800mm in height to the southern elevation of the front balcony to address overlooking opportunities to the southern abutting property; and
- Removal of the existing Eucalyptus Camaldulensis (River Red Gum), located in the rear yard of the subject land. The removal is based on the expert opinion of two structural engineers.

The changes were in response to matters raised during the assessment of the application and the Category 2 notification period. During the public notification period three (3) representations were received in relation to the proposal. Two (2) of the representations were in favour of the proposal but with some concerns, with one (1) representation indicating a desire to be heard before the Development Assessment Panel (the Panel).

The representors had the following concerns with the proposal:

- Effects to the neighbouring property during construction and demolition;
- Overlooking;
- Noise;
- Undermining of existing garage structure located on the southern boundary of the subject land;
- Retaining walls; and
- Overshadowing.

During the course of the assessment, the proposal was referred to Council's Traffic Management Engineer to assess the suitability of access arrangements to the subject land. The proposal seeks the creation of a new crossover to the subject land and the reinstatement of an existing crossover located towards the northern end of the subject land.

Pursuant to Council's Delegation Policy, the application is presented to the Panel for consideration as a Category 2 development with unresolved representations. Should the Panel determine to grant consent to the development, the Applicant will be required to obtain Building Rules Consent prior to Council issuing Development Approval.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a rectilinear shaped allotment located on the western side of Lancelot Avenue and is wholly located within the Residential Zone, more specifically Residential Policy Area 22. The subject land currently contains a 1955 single-storey detached dwelling. The subject land faces Lancelot Avenue and includes one access point located to the northern end of the subject land. The subject land includes a large significant River Red Gum to the rear of the property.

The subject land has an approximate area of 696m² and a frontage to Lancelot Avenue of 15.24m. The land includes a fall of approximately 2.8m from the front to the rear. The existing dwelling is located 1.4m below the road level.

3.2. Locality

The locality is defined as all properties with a frontage to Lancelot Avenue, between Linden Avenue to the north and Doonoon Avenue to the south of the subject land. The locality is wholly contained within Residential Policy Area 22.

Allotments are generally rectangular in shape and consistent in terms of frontage and area. The primary building form is that of single-storey detached dwellings constructed in the inter-war and post-war styles. Set-backs are generous from the boundary of the public road. The locality contains a number of large mature trees on both Council and private land

4. KIND OF ASSESSMENT

Kind:	Merit
Reason:	<i>Development Act (1993), Section 35(5)</i>
Applicant Appeal Opportunity:	Yes

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 22 Principle of Development Control 9 (a) and (b)
Cut / Fill:	<p>Although a degree of fill is to be introduced to the site, it is incidental to the construction of the dwelling and is not considered excessive in light of the slope of the land.</p> <p>The overall cut and fill is considered minor and is not considered to unreasonably impact on the occupiers of adjoining land.</p>
Representations Received:	<ul style="list-style-type: none"> • 25 Lancelot Avenue, Hazelwood Park (not to be heard); • 26 Lancelot Avenue, Hazelwood Park (not to be heard); and • 12 Doonoon Avenue, Hazelwood Park (wish to be heard)
Third Party Appeal Opportunity:	No

- Representations received are provided as an attachment to the Panel.
- Amendments to the plans submitted to Council form the response to representations.

6. AGENCY REFERRALS

- External agency referrals are provided as an attachment to the Panel.
- Internal agency referrals are provided as an attachment to the Panel.

7. EXECUTIVE SUMMARY

7.1. Land Use

In relation to the current proposal, the following comments are made:

- The development involves the construction of a single dwelling on an existing residential allotment within the Residential Zone;
- The nature of the proposed built form (detached dwelling) is consistent with the low to medium density residential character envisaged for the policy area;
- The existing allotment is of sufficient size and dimensions to accommodate a detached dwelling in accordance with the Policy Area and Council Wide guidelines;
- The proposed development is not identified as a non-complying kind of development in the Burnside (City) Development Plan; and
- If it can be demonstrated that the proposed development has minimal or no unreasonable external impacts, then consent could reasonably be expected.

The proposed development is therefore not considered to be seriously at variance to the Burnside (City) Development Plan.

7.2. Character

The proposed development involves the construction of a two-storey detached dwelling on an existing allotment. Council is satisfied that the proposal has been designed to contribute to and be consistent with the primary objectives of the Residential Zone and Residential Policy Area 22. This position is based on the following considerations:

- The proposed building is a detached dwelling as envisaged by the policy area and reflective of the dominant dwelling type of recently built dwellings within the locality;
- Two-storey development forms part of the character of Residential Policy Area 22;
- The proposed dwelling maintains appropriate set-backs to property boundaries;
- The dwelling complies with the required 6m setback from the front property boundary;
- The dwelling will be sited centrally on the subject land to minimise any impacts to the amenity of the neighbouring properties;
- The dwelling is set below road level to match the existing dwelling's bench level;
- The contemporary style of the proposed dwelling is not considered to be in conflict with the varied styles of dwellings throughout the locality; and
- The proposal is consistent with recently built two-storey development throughout the locality and greater policy area.

7.3. Amenity

The proposal has been designed in a manner that will minimise its impact upon the amenity of the locality and adjoining properties.

This position is based on the following considerations:

- The use of appropriate building set-backs on all sides of the dwelling provides sufficient separation between buildings, which softens the visual impact of the built form when viewed from adjoining properties;
- The dwelling has been designed to a high standard with respect to its overall appearance and functionality;
- The proposal includes appropriate privacy treatments to the upper level to ensure adjoining properties are not adversely impacted by the development;
- The dwelling has been sited with acceptable side and rear set-backs in assessment against the relevant guidelines;
- The proposal does not interfere with any Council street trees;
- The proposed boundary wall is located in a reasonable position and is considered acceptable in terms of its height and length; and
- Access to sunlight for adjoining dwellings is maintained within Development Plan guidelines given the natural land contours, dwelling siting and overall height.

7.4. Site Functionality

The development is consistent with the relevant quantitative guidelines of the Development Plan. The land retains an excess of private open space above the amount envisaged for residential properties, and comfortably sits within site coverage guidelines for both the building footprint and total floor area.

The design is not reliant on extensive earthworks or large scale boundary retaining walls to achieve the proposed site levels, and achieves a finished floor level that creates a balance between the natural land contours and that of the neighbouring dwellings.

The development fits upon the land as a workable site-planning outcome. This determination has been based on the following:

- The overall footprint of the dwelling is below the guidelines of the Development Plan for site coverage and is not anticipated to generate negative stormwater impacts as a direct result;
- The proposed boundary fencing is considered appropriate for a site with varied topography. The retaining walls and fencing are expected to protect the privacy of the occupiers of the land and adjoining properties whilst not being too large and overbearing;
- The subject land is an existing residential allotment with sufficient site area and street frontage to accommodate a detached dwelling in accordance with the Zoning and Policy Area guidelines;
- The proposal requires the creation of a new crossover from Lancelot Avenue which is supported by Council's Senior Traffic Engineer. The crossover width will comply with Council crossover guidelines, and as such the proposal will require minimal works to the Council verge thus reducing any potential impact to the public footpath. The existing crossover point will be reinstated as part of the proposal;
- Council's engineers have reviewed all aspects of the proposal, and are satisfied and supportive of the proposal including driveway alteration, off-street parking and stormwater disposal. An engineering advisory note has been included that is reflective of the comments received from Council's Senior Engineer; and
- The proposed residence features four (4) off-street parking spaces, two (2) undercover.

7.5. Trees and Vegetation

The subject land contains a significant tree of the Eucalypt species located in the rear yard of the subject land. The tree is a healthy and attractive specimen which provides aesthetic contribution to the amenity of the locality. The Applicant endeavoured to retain the tree in conjunction with the construction of the dwelling. The proposed dwelling, however, was not sufficiently set-back from the tree which would result in tree damaging activity.

The application was referred to Sam Cassar of Symatree, seeking an independent arboricultural view, given the applicant's arborist David Mably did not foresee any issues in relation to the dwelling location from the existing tree. Neither arborist recommended tree removal based on arboricultural advice.

The application was also referred to David Nash of Tonkin Consulting (engineering), seeking independent structural engineering advice, as the applicant's structural engineer FMG believed there to be no building techniques available which would enable tree retention and dwelling construction in the proposed location. FMG engineers believed there to be substantial damage occurring to substantial buildings of value, being the existing dwellings at 25 and 27 Lancelot Avenue. David Nash assessed damage to both the existing dwelling and neighbouring dwelling at 25 Lancelot Avenue independently on behalf of Council. David Nash did not believe there to be substantial damage caused by the significant tree to the existing dwelling at 27 Lancelot Avenue, but believed the damage to the neighbouring dwelling at 25 Lancelot Avenue to be substantial in nature, caused by the significant tree in the rear yard. David Nash and FMG both supported tree removal in accordance with Council Wide Principle of Development Control 53(iv).

7.6. Public Notification

The proposal was determined to be a Category 2 form of development pursuant to Residential Zone 22 Principle of Development Control 9(a) and (b) as the proposed dwelling is two-storey in nature and includes a boundary wall.

The Category 2 notification period ran between 23/08/2013 and 05/09/2013 during which three (3) representations were received from owners of adjoining land. The primary issues raised during the public notification period are as follows:

- Effects to the neighbouring property during construction and demolition;
- Overlooking;
- Noise;
- Undermining of existing garage structure located on the southern boundary of the subject land;
- Retaining walls; and
- Overshadowing.

The Applicant has supplied Council with amended plans in response to the concerns raised during the notification period. Council is satisfied that the proposed fencing and retaining walls are suitable to protect the privacy of both parties, whilst not creating visually dominant structures which may negatively impact upon the amenity of the adjoining properties. Upper level windows with a window sill height below 1700mm have fixed obscured glazing included. A retaining wall located on the southern boundary in the front yard is set-back from the property boundary to address any issues with excavation adjacent to the neighbouring property's garage and cellar. The shadow diagrams supplied to Council detail sufficient sunlight access to the neighbouring properties.

Council is satisfied that the planning matters raised through the public notification process are sufficiently addressed through the overall design of the development, insofar as they are to be determined under the *Development Act 1993*.

7.7. Agency Referrals

No external referrals were required under Section 37 of the Development Act 1993, however, input was sought from Council's Senior Engineer with regard to matters of traffic, access, manoeuvrability and stormwater management.

Planning staff have been advised that the driveway should be limited to a width of no more than 4.5m at the property boundary. The applicant is still required to obtain Section 221 clearance in accordance with the Local Government Act 1999 to create the proposed crossover. This recommendation includes a condition to that effect.

7.8. Conclusion

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0492\13, by Sterling Homes Pty Ltd, is **granted** Development Plan Consent subject to the following conditions:

Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The *1700mm high fixed obscure glazing* as depicted on the stamped and approved plans granted Development Plan Consent described as '*Elevation A*' and '*Elevation B*' shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

- 3 The *1800mm high fixed slats* as depicted on the stamped and approved plans granted Development Plan Consent described as '*Elevation A*' shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

- 4 The establishment of all landscaping shall be undertaken within 3 months of the substantial completion of development and in any event prior to the occupation or use of the development. Such landscaping shall be maintained in good health and condition to the satisfaction of the Council at all times and any dead or diseased plants or trees shall be immediately replaced to the reasonable satisfaction of the Council.

Reason:

To provide amenity for the occupants of buildings and those of adjacent buildings through the provision of landscaping as part of the development.

- 5 The approved works may not commence until such time as the applicant has secured written authorisation for the construction of the new driveway crossover from the Council pursuant to Section 221 of the *Local Government Act 1999*.

Reason:

To ensure the applicant has secured all relevant consents/authorisations required prior to the commencement of development.

- 6 Three (3) replacement trees must be planted on site within three (3) months of removal of the significant tree, and thereafter maintained to the reasonable satisfaction of the Council. The replacement trees must not be a species listed in Regulation 6A(5)(b) of the *Development Regulations 2008* and must not be planted within 10m of any existing dwelling or existing in-ground swimming pool (regardless of whether the dwelling or pool is within the site or on adjacent properties).

If you do not wish to plant one or more replacement trees, you may instead, **within 28 days from the date of Development Approval** pay a contribution of \$246, currently \$82 per tree to the Council's Urban Trees Fund. If payment is received within 28 days from the date of Development Approval, then replacement trees need not be planted. If payment is not received within this timeframe, this will be taken as confirmation that you accept that you are legally obligated to plant and maintain replacement trees as specified above.

Reason:

To satisfy Section 42(4) of the *Development Act 1993*.

Engineering Requirements

- The width of the proposed driveway access within the road verge to be limited to maximum 4.5m and to be constructed per Council standards.
- Existing footpath levels, grades etc should not be altered as a result of new development works.
- Roof stormwater is to be connected to the street water table through a sealed system and also an overflow pipe from the rainwater tank is to be connected to the street water table.
- Stormwater pipe across the road verge should terminate at an approved galvanised steel kerb adaptor.
- Existing access driveway is to be closed and reinstated, with upright kerb to match existing surroundings.

- If the cover to the stormwater pipe across the Council verge is less than 50mm, then steel pipe housing to be used per Council standards.
- Excess surface stormwater run-off within the development is to be managed within the development with soakage system or pump /sump arrangement. Details to be provided for council review.

RECOMMENDING OFFICER

Troy Fountain
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land



Representor's Land

APPENDIX 2

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

Primary Residential Policy Area 22 Objectives:

Objective 1:

Maintenance and enhancement of the low scale, low density residential character that is derived particularly from:

- (a) one-storeyed, detached dwellings, predominantly from the post-war period, in a variety of styles, with more recently built dwellings, of one or two storeys, on rising ground towards the south-eastern corner;*
- (b) streetscapes enhanced by open, well-established, front gardens, grassed verges, and views of public open space;*
- (c) the existence of Beaumont Common and stands of indigenous trees throughout much of the eastern part of the Policy Area.*

Acknowledged, significant variations from the desired character, or the prevailing character or environmental conditions, forming, nevertheless, part of the character that is to be maintained and enhanced, are to be found:

- (a) on Beaumont Common, a large open space significant as a landscape feature and for its remnant indigenous vegetation;*
- (b) on the site of Beaumont House, State heritage place; and*
- (c) on land with frontage to Greenhill Road.*

Subject: DP Ref	Assessment:
Desired Land Use O 1	Satisfied. <ul style="list-style-type: none"> • The proposal maintains the existing density of the locality; • Two-storey dwellings feature throughout the Policy Area; • The building design incorporates an appropriate degree of articulation to break up the visual massing of the two-storey form, as well as a range of external building materials and finishes to provide visual interest across the façade; • The proposed dwelling will be set-back from the street sufficiently to be consistent with the abutting property; and • The dwelling enables an open, well vegetated front garden area.
Local Compatibility PDC 1	Satisfied. <ul style="list-style-type: none"> • The proposed dwelling conserves and enhances the character of the Policy Area.
Site Areas and Frontages PDC 2-5	<ul style="list-style-type: none"> • Existing allotment which complies with the requirements of Residential Policy Area 22.
Building Set-backs PDC 6	Satisfied.

Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:

Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 3:

Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.

Objective 4:

Provision of residential and community facilities and services for the aged community.

Objective 5:

Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Objective 6:

A zone accommodating non-residential activities which are small in scale, benign in external impact, and serve the needs of the local community.

Objective 7:

Reduction of the impact of established non-residential uses on the amenity of residential areas.

Objective 8:

Use of design, management and other techniques to improve all aspects of the environmental performance of development.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1–8 PDC 1	Satisfied. <ul style="list-style-type: none"> The proposal does not alter the existing and long established residential use of the land.
Building Appearance PDC 2–4	Satisfied <ul style="list-style-type: none"> Council is satisfied that the proposal is consistent with the primary objectives of Residential Policy Area 22 and Council Wide provisions, having due regard to siting, mass and proportion, built form features, materials and finished floor levels.
Design for Topography PDC 5–6	Satisfied. <ul style="list-style-type: none"> Due to the relatively even topography of the land where the existing dwelling was located, excessive earthworks are not proposed. The dwelling adheres well to the natural ground level.

Summary of Council Wide Objectives and Principles

<p>Primary Residential Development Objectives:</p> <p><u>Objective 50:</u> <i>A compact metropolitan area.</i></p> <p><u>Objective 51:</u> <i>A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.</i></p> <p><u>Objective 52:</u> <i>Containment of housing costs through the encouragement of a full range of design and development techniques.</i></p> <p><u>Objective 53:</u> <i>Safe, pleasant, accessible and convenient residential areas.</i></p> <p><u>Objective 54:</u> <i>Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.</i></p>	
Subject: DP Ref	Assessment:
Zoning and Land Use O 8–9, 50–54 PDC 1, 3	Satisfied.
Building Set-backs PDC 123–125	<p>Front Set-backs Satisfied.</p> <p>Side Set-backs The lower level set-backs to the side and rear boundaries complies with the relevant criteria of the Development Plan.</p> <p>The upper level is proposed with a minimum set-back of 3m to the southern boundary. The upper level is reasonable in size and is not considered to adversely impact upon the amenity of the southern abutting properties. The neighbouring properties located to the south of the subject land face Doonoon Avenue and will be approximately 15m away from the upper level of the proposed dwelling.</p> <p>Rear Set-backs Satisfied.</p>
Building Height PDC 126	Satisfied. 8m.
Site Coverage PDC 127	Satisfied. 26%.
Private Open Space / Landscaping PDC 128, 129	Satisfied. 115%.
Amenity O15–17 PDC 22–33	Satisfied.
Access / Street Trees / On-site Car Parking PDC 137–142	Council’s Traffic Management Engineer supports the proposal but has requested that the driveway width be restricted to no more than 4.5m at the front boundary to minimise impacts to street infrastructure.
Privacy O15 PDC 23, 134–136	Upper level windows with a window sill height below 1700mm have fixed obscured glazing included to prevent overlooking. An 1800mm high screen is to be fixed to the southern elevation of the proposed front balcony to negate overlooking to the rear yard of the property located at the intersection of Doonoon Avenue and Lancelot Avenue.

Access to Sunlight PDC143–146	Satisfied.
Fences / Retaining Walls PDC 150–154	Satisfied. The proposed fencing and retaining walls are considered to meet a suitable medium between protecting privacy and avoiding visual dominance.
Safety / Security PDC 155–158	Satisfied.
Environmental / Water Conservation O 11–14 PDC 14–21, 160–161	Environmental performance and water conservation are largely addressed at the Building Rules Consent stage of the assessment process. The performance provisions in the Building Code of Australia require all new dwellings to achieve a six star energy rating, control the flow of stormwater run-off from the site of development and must incorporate an additional water supply other than the mains reticulated supply, plumbed to at least a water closet, or a water heater or all of the cold water laundry outlets.

APPENDIX 3

DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Street Frontage</i>	15.24m	15m
<i>Site Area</i>	696.77m ²	550m ²
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	26%	40%
- Buildings and driveways	31%	50%
<i>Total Floor Area</i>	47%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	6m	8m
- side boundary	4m (north), 3m (south)	2m
- rear boundary	16.65m	4m
<i>Upper Level</i>		
- front boundary	7.6m	8m
- side boundary	4m (north), 3m (south)	4m
- rear boundary	17m	8m
<i>Boundary Wall</i>		
- length	6.68m	8m
- height	3.4m	3m
- location		N/A
<i>Private Open Space</i>		
- percentage	115% of TFA	50% of TFA*
- dimensions	16m x 15m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	4 (2 undercover)	2
- width of driveway	4.5m	4.5m
- width of garage/carport door	31% of frontage	33% of frontage

*Total Floor Area (TFA) is measured from the external faces of the walls of the building or buildings, including balconies, carports and garages.

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+DEVELOPMENT APPLICATION

Application Number:	<i>180\0673\14</i>
Applicant:	<i>TL Stodart</i>
Location:	<i>2 North Street, Frewville</i>
Proposal:	<i>Demolition of existing dwelling and construction of a two-storey detached dwelling including carport, deck, balcony and solar panels</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 23 Development Plan consolidated 30 January 2014</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 2 One (1) representation received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Statutory:	<i>N/A</i>
Referrals – Non Statutory:	<i>Engineering Services</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<i>James Moss</i>

REPORT CONTENTS

- Assessment report:
 - Appendix 1 – Aerial Locality Map
 - Appendix 2 – Detailed Planning Assessment
 - Appendix 3 – Development Data Table

Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Applicant’s response to representations
- Photographs

1. DESCRIPTION OF PROPOSAL

The applicant seeks Development Plan Consent for the demolition of an existing 1950s dwelling, and construction of a modern two-storey dwelling and associated residential structures on an existing residential allotment at the intersection of North Street and Main Avenue, Frewville.

The replacement dwelling will have four bedrooms, two bathrooms, an upstairs rumpus and study and downstairs open plan living areas. It will also include a single width carport on the southern side boundary to align with the existing crossover, an upper level balcony and timber deck at ground level.

The existing masonry front fence will be extended along Main Avenue and upgraded with timber in-fill panels, and a series of solar photovoltaic panels will be mounted to the roof, which will have a 5 degree pitch to the north.

The dwelling will be clad in Colorbond materials and cement fibre sheeting. Select landscaping is proposed adjacent to the north, east and west boundaries of the site.

2. BACKGROUND

There are no previous or current development applications recorded against the subject land that bear relevance to the current proposal (Development Application 180\0673\14), however, the applicant did seek preliminary advice from Council staff prior to lodging the application.

The proposed development was lodged on 04 July 2014 by the registered owners of the land and subsequently determined to be a Category 2 development for the purposes of public notification. The proposal was determined neither to be a complying or non-complying kind of development, prompting an assessment on merit against the provisions of the Burnside (City) Development Plan.

During the notification period Council received one (1) written submission from the owner of the adjoining land to the south (4 North Street) in favour of the proposal but with concerns regarding privacy. The representor has expressed a desire to address the Development Assessment Panel (the Panel) in person.

The proposal was also referred to the Senior Engineer to assess the impact of development on local infrastructure. No design changes were required as a result.

An assessment against the Development Plan has now been completed and the application is presented to the Panel for consideration as a Category 2 development with unresolved representations. Should the Panel determine to grant consent to the development, the applicant will be required to obtain Building Rules Consent prior to Council issuing Development Approval.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is an existing rectangular shaped allotment at the intersection of North Street and Main Avenue, Frewville. The land has an approximate area of 440 m², a primary frontage width of 17.7m and a depth of 24.9m. Topography across the site is relatively flat with a modest fall to the northwest corner.

The land has historically been used for residential purposes, and is currently occupied by a single storey 1950s detached dwelling of poor appearance, a carport on the southern boundary, verandah structures to the rear, and an above-ground rainwater tank towards the southeast corner. A modest degree of vegetation has been established to the north, east and west of the existing building.

The land is bordered by corrugated steel fencing across the south, east and a portion of the north boundaries, with the remainder occupied by a masonry pillar and plinth front fence with brush in-fill and a corner cut-off. Vehicle access is gained via a single width crossover at the southwest corner.

3.2. Locality

The subject land is located wholly within the Residential Zone of the City of Burnside, towards the northeast corner of Residential Policy Area 23 – Frewville (RPA 23). The locality comprises those allotments with a direct frontage to North Street extending south to Bruce Street, and those with a direct frontage to Main Avenue between Conyngham Street and Carr Avenue.

The locality is made up of residential allotments that are rectangular in shape but varied in width and depth. The low-to-medium density allotment pattern, narrow public roads and modest front building set-backs make for a relatively intimate streetscape.

The northern side of Main Avenue is more uniform in terms of building form and siting, with a predominance of early twentieth century single storey detached dwellings set-back between 4m and 6m from the road. South of Main Avenue the streetscape assumes a less cohesive character with a higher number of semi-detached dwellings, some of two-storey form, with varying styles, ages and heights.

4. KIND OF ASSESSMENT

Kind:	Merit
Reason:	<i>Development Act 1993, Section 35(5)</i>
Applicant Appeal Opportunity:	Yes

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 23 Principle of Development Control 8(a) and (b)
Representations Received:	<ul style="list-style-type: none"> 4 North Street, Frewville (wish to be heard)
Third Party Appeal Opportunity:	No

- Representations received are provided as an attachment to the Panel.
- Applicant's response(s) to representations are provided as an attachment to the Panel.

6. AGENCY REFERRALS

- Internal agency referrals are provided as an attachment to the Panel.

7. EXECUTIVE SUMMARY

7.1. Land Use

The site of development is an existing Torrens title allotment of sufficient area and width to accommodate a self-contained detached dwelling in accordance with the policy area objectives and principles prescribed by the Development Plan.

The land has long been used for residential purposes associated with a single storey detached dwelling constructed during the 1950s, and the applicant seeks to maintain this established lawful use by replacing the existing dilapidated building with a new contemporary two-storey dwelling of a high design standard.

In terms of zoning and land use, the proposal is not considered to be seriously at variance with the policies of the Development Plan.

7.2. Character and Amenity

The Development Plan seeks to maintain and enhance the low-to-medium density residential character of Frewville, which is derived from both single storey and two-storey detached dwellings in a variety of types, ages and styles, and moderately set-back from the road.

The proposed development is consistent with this character and is anticipated to enhance local amenities by replacing an existing dwelling of poor appearance and condition with a new two-storey dwelling of modest scale and modern design.

The proposed building is two-storey and will therefore exhibit a greater mass in comparison with adjacent single storey residences along North Street and Main Avenue. Despite the moderate difference in building mass, the Development Plan envisages a more flexible built form character that is comprised of both single storey and two-storey dwellings, and indeed examples of two-storey development can be observed throughout the locality.

The development is also consistent with the desired residential character as exhibited by the moderate set-back and its contribution to the variety of “ages and styles” of architecture within the locality. The development has no impact on the established density of the subject land.

Integration of the design will be further assisted by the generous landscaping to be established across the north, east and west borders of the site, which will provide screening and softening of the built form when viewed from the public realm and adjoining properties.

7.3. Site Functionality

The proposed finished floor level is compatible with existing housing stock and closely resembles that of the existing dwelling currently on the land, minimising the need for large retaining walls and reducing the overall visual bulk of the building.

The total floor area of the dwelling exceeds the 50% guideline prescribed by Council Wide Principle of Development Control 165(c). The excess can be attributed to the additional floor space provided in the form of an open-sided balcony on the northern side of the building, and is not necessarily a true reflection of the visual mass of the building.

The proposed scheme has a minimal footprint on the land (approx. 28% of site area), thereby allowing visual and acoustic relief to neighbouring properties at ground level. The development also provides an abundance of private open space for future occupants and achieves minimum off-street parking requirements to aid in reducing traffic congestion within the locality.

From an environmental perspective, the dwelling appears to have been designed to maximise energy efficiency by maximising northern sunlight access to external recreation areas and main living rooms, and by incorporating renewable energy technologies such as solar photovoltaic panels.

7.4. Public Notification

Council received one (1) written submission from the owner of the adjoining property to the south (4 North Street) during the consultation process. The submission was in favour of the proposed development, but with some concerns relating to the potential for overlooking from the upper level windows and balcony.

The applicant was provided a copy of the submission and has responded to these concerns by confirming that all upper level windows facing south (towards 4 North Street) and east (towards 48 Main Avenue) will be fixed and obscured to a minimum height of 1.8m above the finished floor level.

This exceeds the Development Plan guideline by 200mm and is considered to be more than sufficient to prevent direct overlooking of the representor's land. Should the Panel see fit to approve the application, then the installation of the fixed and obscured glazing will be enforced as a condition of consent.

The applicant has also clarified the orientation and form of the north facing balcony, which has solid walls at both ends to restrict views to neighbouring properties to the east and west. The only unrestricted views therefore are directed over the public road, which is actually encouraged by the Development Plan.

Council is therefore satisfied that no direct and unreasonable views can be gained from the upper level portion of the development as proposed.

7.5. Agency Referrals

As part of Council's internal assessment process, the proposal was referred to the Senior Engineer to assess the impact of development on local infrastructure. No issues or concerns were raised.

The development utilises the existing crossover in its current form, maintains the corner cut-off, offers a reduced impervious footprint on the land and provides additional on-site water storage capacity to minimise runoff to the street water table.

7.6. Conclusion

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0673\14, by TL Stodart, is **granted** Development Plan Consent subject to the following conditions:

Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The fixed and obscured glazing as depicted on the stamped and approved plans granted Development Plan Consent, described as East and South Elevation, shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

RECOMMENDING OFFICER



James Moss
Development Officer – Planning

APPENDIX 1

AERIAL LOCALITY MAP



Legend

-  Subject Land
-  Representor's Land

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

Primary Residential Policy Area 23 Objectives:

Objective 1:

Enhancement of the low-to-medium density residential character that is derived particularly from:

- (a) one-storeyed and two-storeyed dwellings of various types, ages and styles; and*
- (b) moderate building set-backs from roads, providing for landscaped, and generally open, front gardens.*

Acknowledged, significant variations from the desired character, or the prevailing character, forming, nevertheless, part of the existing character that is to be enhanced, are found adjacent to the Business (Glen Osmond Road) Zone, the Neighbourhood Centre Zone and the Community Zone.

Subject: DP Ref	Assessment:
Desired Land Use O 1	<ul style="list-style-type: none"> • Satisfied.
Local Compatibility PDC 1	<ul style="list-style-type: none"> • Satisfied. The development is a detached dwelling of two-storey form that is moderately set-back from the road. • The development is considered to be a relatively modest two storey home given that the overall proposed height is approximately 2.5m beneath the maximum 9m guideline. • The dwelling is largely consistent with the front set-back guideline to North Street and far exceeds that required to Main Avenue. • The dwelling is relatively central to the boundaries of the land in a manner that provides balance to both streetscapes and contributes positively to local character. • The dwelling exhibits a modern and contrasting design, which is not only tolerated within RPA 23 but actually encouraged so as to enhance the eclectic character of the streetscape. • The design and configuration appears to have been driven by a desire to maximise the use and quality of external spaces, and provides ample landscaping to soften the visual impact of the built form while contributing to the look and feel of the street.
Site Areas and Frontages PDC 2-5	<ul style="list-style-type: none"> • Satisfied.
Private Open Space PDC 6	<ul style="list-style-type: none"> • Satisfied.

Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:

Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 3:

Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.

Objective 4:

Provision of residential and community facilities and services for the aged community.

Objective 5:

Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Objective 6:

A zone accommodating non-residential activities which are small in scale, benign in external impact, and serve the needs of the local community.

Objective 7:

Reduction of the impact of established non-residential uses on the amenity of residential areas.

Objective 8:

Use of design, management and other techniques to improve all aspects of the environmental performance of development.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1-8 PDC 1	<ul style="list-style-type: none"> • Satisfied.
Building Appearance PDC 2-4	<ul style="list-style-type: none"> • Satisfied.

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 50:

A compact metropolitan area.

Objective 51:

A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 52:

Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 53:

Safe, pleasant, accessible and convenient residential areas.

Objective 54:

Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Subject: DP Ref	Assessment:
Zoning and Land Use O 8-9, 50-54 PDC 1, 3	<ul style="list-style-type: none"> • Satisfied.
Design and Appearance O 11-12 PDC 14-18	<ul style="list-style-type: none"> • Satisfied.
Building Set-backs PDC 161-163	<p><u>Front Set-backs</u></p> <ul style="list-style-type: none"> • The closest part of the dwelling will be sited 5.3m from the boundary with North Street, however the external wall of the building will be set-back at a distance of 6.3m. • The portion of the building to encroach within the 6m set-back distance is an open-sided flat roof structure, which provides articulation and visual interest to the façade. • The locality is a medium density residential area that exhibits more of an intimate streetscape in which dwellings are often sited closer to the road than in other parts of Council. The encroachment is therefore considered minor and acceptable in this instance. <p><u>Side Set-backs</u></p> <ul style="list-style-type: none"> • The ground floor comfortably achieves minimum side set-backs two-fold. • The upper level component also achieves the guideline set-back distance to the northern boundary, but falls short of the guideline to the south by 1m. • The departure is likely acceptable in this instance given the modest scale of the building and absence of overshadowing impacts to the neighbouring property at 4 North Street. • The locality features a number of two storey dwellings, often on undersized allotments and often encroaching closer to side boundaries than the guideline permits. <p><u>Rear Set-backs</u></p> <ul style="list-style-type: none"> • The upper level sits 3 metres from the eastern side boundary, which is a strong departure in quantitative terms from PDC 162(c). • Given the corner location of the subject land, the proposed rear set-back looks more like a side set-back when viewed from Main Avenue.

	<ul style="list-style-type: none"> The departure is therefore more acceptable from this perspective and is not anticipated to adversely impact the neighbouring property to the east, which features a garage and covered outdoor area adjacent the common boundary. The rear set-back shortfall has no impact on the functionality of the overall development.
Building Height PDC 164	<ul style="list-style-type: none"> Satisfied.
Site Coverage PDC 165	<ul style="list-style-type: none"> The development satisfies PDC 165, parts (a) and (b), but exceeds the 50% total floor area guideline prescribed by part (c). The total floor area of the dwelling exceeds the 50% guideline by approximately 5.7%, which is a modest departure. The proposed floor plan features a predominantly open-sided upper level balcony facing north, which contributes to the excess in floor area. The additional floor area afforded by the balcony is not anticipated to translate into an excessive expression of building size and bulk given its largely open-sided nature. The dwelling is comfortably set-back from all property boundaries and features off-street vehicle parking facilities in line with Development Plan guidelines.
Private Open Space / Landscaping PDC 166-169	<ul style="list-style-type: none"> Satisfied.
Amenity O20-22 PDC 52-66, 170-173	<ul style="list-style-type: none"> Satisfied.
Access / Street Trees / On-site Car Parking PDC 137-142	<ul style="list-style-type: none"> The development utilises an existing single width vehicle crossover to North Street and retains sufficient space for the off-street parking of at least two cars.
Privacy O15 PDC 22, 174-176	<ul style="list-style-type: none"> The development involves the construction of a two-storey dwelling with an external balcony and therefore has the potential to overlook adjoining properties. The applicant has provided details of fixed and obscured glazing to all south and east facing upper level windows in accordance with Development Plan guidelines. The minimum height of the obscured glazing is 1.8m above the finished floor area, which exceeds the requirements of CW PDC 176(c) and is therefore deemed appropriate. The dwelling design includes a largely open-sided balcony on the northern side, which overlooks the secondary road (Main Avenue). Due to the orientation of allotments within this locality the balcony will overlook front yards, but not private open space areas. The solid wall at each end of the balcony restricts views to the east, west and south so as not to directly overlook adjoining land.
Access to Sunlight PDC 21, 183-186	<ul style="list-style-type: none"> The applicant has provided shadow diagrams to demonstrate the extent of shadow cast over the adjoining property to the south (4 North Street).

	<ul style="list-style-type: none"> • While the shadow diagrams indicate that the proposed dwelling will cast shadow over the north facing windows of the neighbouring dwelling, it should also be noted that the neighbouring dwelling has recently added a full length carport between their dwelling and the common boundary. This carport restricts sunlight to the neighbouring dwelling well in excess of that which could be attributed to the proposed dwelling. • The shadow diagrams indicate that the proposed dwelling will not overshadow the neighbour's private open space area beyond the level envisaged by the Development Plan.
<p>Fences / Retaining Walls PDC 190–193</p>	<ul style="list-style-type: none"> • The subject land is currently bordered by a masonry pillar and plinth fence with brush infill along the entirety of the western boundary and a portion of the northern boundary. • The rest of the northern boundary, as well as the eastern and southern boundaries, are bordered by corrugated steel fencing approximately 3m in height. • The applicant seeks to upgrade the appearance of the existing masonry fence by replacing the brush in-fill with new timber paling in-fill panels. The applicant also proposed to extend the length of this fence to occupy the entire northern boundary. • Existing steel fencing along the east and south boundaries is proposed to be retained. • The proposed changes to the fencing arrangements along North Street and Main Avenue is considered appropriate in this instance and will enhance the look of the streetscape while maintaining privacy and security for the occupants of the land. • The existing masonry fence already provides a corner cut-off to facilitate better sightlines at the intersection of North Street and Main Avenue. • By retaining existing fencing along the east and south boundaries the proposal also minimises any disruption to neighbouring properties.
<p>Safety / Security PDC 195–198</p>	<ul style="list-style-type: none"> • The development facilitates overlooking, and thus casual surveillance over the adjacent public roads and walkways. • The proposed fencing arrangements clearly differentiate between public and private areas.
<p>Environmental / Water Conservation O 11–14 PDC 14–21, 31-43, 200–201</p>	<ul style="list-style-type: none"> • The applicant intends to retain a large rainwater tank located in the southeast corner of the property, as well as introduce additional tanks along the southern boundary. • The proposal includes roof-mounted solar panels to enhance the energy efficiency of the property. • The dwelling has been designed and orientated to take maximum advantage of northern sunlight.

APPENDIX 3

DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Street Frontage</i>	17.7m	15m
<i>Site Area</i>	440.7m ²	400m ²
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	27.8%	40%
- Buildings and driveways	34.2%	50%
<i>Total Floor Area</i>	55.75%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	6.53m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	5.3m	6m
- side boundary	6.1m (north), 3m (south)	2m
- rear boundary	3m	4m
<i>Upper Level</i>		
- front boundary	5.3m	6m
- side boundary	6.1m (north), 3m (south)	4m
- rear boundary	3m	8m
<i>Boundary Wall</i>		
- length	8m	8m
- height	3.08m	3m
<i>Private Open Space</i>		
- dimensions	8.6m x 24.9m	4m x 6m
<i>Car Parking and Access</i>		
- number of parks	2	2
- width of driveway	2.8m	4.5m
- width of garage/carport door	N/A	33% of frontage

*Total Floor Area (TFA) is measured from the external faces of the walls of the building or buildings, including balconies, carports and garages.

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DEVELOPMENT APPLICATION

Application Number:	<i>180\0737\14</i>
Applicant:	<i>T Matkovic</i>
Location:	<i>22 Tobruk Avenue, Kensington Park</i>
Proposal:	<i>Amendment to existing DA 180\0773\13 – relocation of garage to boundary and addition of outbuilding</i>
Zone/Policy Area:	<i>Residential Zone Residential Policy Area 6 – Greater Kensington Park Development Plan consolidated 30 January 2014</i>
Kind of Assessment:	<i>Merit</i>
Public Notification:	<i>Category 2 Two (2) representations received</i>
Appeal Opportunity	<i>Applicant only, no third party appeal rights</i>
Referrals – Non Statutory:	<i>Traffic Management Engineer</i>
Delegations Policy:	<i>Unresolved representations</i>
Recommendation:	<i>Development Plan Consent be granted</i>
Recommending Officer:	<i>Jason Cattonar</i>

REPORT CONTENTS

- Assessment report:
 - Appendix 1 – Aerial Locality Map
 - Appendix 2 – Detailed Planning Assessment
 - Appendix 3 – Development Data Table

Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Internal agency referral reports
- Representations received
- Applicant’s response to representations
- Decision Notification Form and approved plans / supporting documents for DA 180\0773\13
- Photographs

1. DESCRIPTION OF PROPOSAL

The applicant seeks Development Plan Consent to vary a previous development authorisation, Development Application 180\0773\13, which was granted Development Plan Consent for the construction of a two-storey detached dwelling with in-ground swimming pool, front masonry fencing and boundary retaining structures, on an existing residential allotment at 22 Tobruk Avenue, Kensington Park

The proposed variation maintains the modern architectural style and two-storey scale of the dwelling with the proposed amendments best described as follows:

- Reconfiguration of the ground floor layout of the kitchen and living areas;
- Relocation of the rear terrace/alfresco to include a boundary wall measuring 2.1m high measured from the natural ground level of the adjoining property to the south;
- Relocation of the in-ground swimming pool to the rear yard adjacent the eastern property boundary; and
- Construction of a new pool pavilion in the north-eastern corner.

The proposed dwelling still includes four bedrooms, three bathrooms, an upstairs study, downstairs home theatre and open plan living areas. The double garage constructed under the main roof also remains as a feature together with the reconfigured rear alfresco, in-ground swimming pool, and masonry front fence and boundary walls.

The composition of external materials and finishes remains unchanged, with external walls finished in a selected render finish with aluminium framed windows and Colorbond roofing pitched at 25 degrees.

2. BACKGROUND

The subject land benefits from a previous development authorisation (DA 180\0773\13) which was granted Development Plan Consent by staff under delegated authority in October 2013. As described above, the current application seeks to vary the previous consent as a result of general design changes to the internal layout of the dwelling floor plan and location of ancillary structures on the land.

The current proposal, Development Application 180\0737\14, was lodged with Council on 18 July 2014 by the registered owner of the land Mr T Matkovic seeking to vary Development Approval 180\0773\13.

Pursuant to Section 39(7)(b) of the *Development Act 1993*, in undertaking its assessment of a variation application Council can only consider the application to the extent of the proposed variations and not consider other elements or aspects of the previous authorisation that remain unchanged.

The proposal was determined to be a Category 2 development for the purposes of public notification as required by Residential Policy Area 6 – Greater Kensington Park Principle of Development Control 7, given that the variation included new boundary walls that exceed 2m above natural ground level. The application was also to be assessed on merit against the provisions of the Burnside (City) Development Plan.

During the notification period Council received two (2) written submissions from the owners of adjoining land to the south (24 Tobruk Avenue) and east (23 McKenna Street), the former in support of the proposal but with concerns, and the latter opposed. Both representors expressed a desire to address the Development Assessment Panel (the Panel) in person.

As part of Council's internal assessment process, the proposal was also referred to the Senior Engineer to assess the impact of development on local infrastructure. The driveway location and modification to the existing crossover were considered under the previous application.

The current proposal has undergone an amendment following the public notification period to appease the concerns of the neighbours and those of Council. Specifically, the southern boundary wall of the terrace/alfresco area has been reduced in height from 3.2m to 2.1m when measured against the natural ground level of the adjoining property at 24 Tobruk Avenue.

Pursuant to Council's Delegation Policy, the application is now presented to the Panel for consideration as a Category 2 development with unresolved representations. Should the Panel determine to grant consent to the development, the applicant will be required to obtain Building Rules Consent prior to Council issuing Development Approval.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is a rectangular allotment of generous proportions on the eastern side of Tobruk Avenue in the suburb of Kensington Park. The land has a single street frontage measuring 18.28m wide and an overall area of 823.4m². Site topography ascends gradually to the rear with a height difference of approximately 1m across a distance of 45.1m.

The land is currently occupied by a single storey detached dwelling constructed during the mid-1920s and set-back approximately 7m from the front boundary. Vehicle access is gained via a single width driveway crossover at the northwest corner of the allotment.

3.2. Locality

The subject land is located within the Residential Zone of the City of Burnside, towards the northeast end of Residential Policy Area 6 – Greater Kensington Park (RPA 6). The locality comprises those allotments with a direct frontage to Tobruk Avenue between Borda Street to the north and The Parade to the south, and to a lesser extent those of surrounding streets.

Allotments within this locality are predominantly rectangular in shape, and range in size between 450m² and 1000m². The primary building form is that of single storey detached dwellings constructed in the inter-war and post-war styles, and generously set-back from the boundary of the road in a manner that exceeds the current guidelines of the Development Plan. Examples of two-storey dwellings are also evident throughout the locality, albeit fewer in number.

4. KIND OF ASSESSMENT

Kind:	Merit
Reason:	Section 35(5) the Development Act (1993)
Applicant Appeal Opportunity:	Yes

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 6 – Greater Kensington Park Principle of Development Control 7

Cut / Fill:	Although a degree of fill is to be introduced to the site it is largely contained beneath the footprint of the proposed dwelling and is considered to be incidental and minor in nature.
Representations Received:	<ul style="list-style-type: none"> • 24 Tobruk Avenue, Kensington Park (wish to be heard) • 23 McKenna Street, Kensington Park (wish to be heard)
Third Party Appeal Opportunity:	No

- Representations received are provided as an attachment to the Panel.
- Applicant's response(s) to representations are provided as an attachment to the Panel.

6. AGENCY REFERRALS

- Internal agency referrals are provided as an attachment to the Panel.

7. EXECUTIVE SUMMARY

7.1. Land Use

The site of development is an existing Torrens Title allotment within the Residential Zone that satisfies the relevant land size criteria prescribed in RPA 6 for the accommodation of a single self-contained detached dwelling. The development maintains and continues the established residential use of the site and is not considered to be fundamentally at variance with the policies of the Burnside (City) Development Plan.

7.2. Character and Amenity

The Development Plan seeks to maintain and enhance a residential character primarily derived from single-storeyed and substantial dwellings at low densities in a wide variety of styles with medium density, lower scale dwellings being less commonly found. An open and attractive streetscape character is also found with well-landscaped gardens with low or open fencing.

The proposed development is generally compatible with these design considerations while incorporating a contemporary design of high quality. The dwelling respects the form and scale of existing single-storey buildings within the streetscape through appropriate siting of the first floor component in a central location and in a manner which accords with front, side and rear set-back guidelines. The design picks up on certain architectural features of the interwar and post-war dwelling styles present throughout the locality, while offering a modern design of a high standard.

The proposed dwelling will be set-back from the street in excess of the prescribed guideline for residential development thereby contributing to the open character.

Through generous front, side and rear set-backs, the development also permits the establishment and long-term health, growth and stability of appropriate landscaping, having regard to the dimensions of the site and the scale of the proposed building.

While a degree of overshadowing may be expected with the orientation of allotments fronting Tobruk Avenue, the design and siting of the dwelling reflects an apparent effort to avoid excessive overshadowing through a 4m upper level set-back, low profile roof structure and appropriate floor level siting.

7.3. Site Functionality

The development is consistent with the relevant quantitative guidelines of the Development Plan. The land retains an excess of private open space far beyond the amount envisaged for properties within the Residential Zone, and comfortably sits with site coverage guidelines for both the building footprint and total floor area.

The design is not reliant on extensive earthworks or large scale boundary retaining walls to achieve the proposed site levels, and achieves a finished floor level that strikes a balance between those of neighbouring dwellings to the north, south and east.

The development also provides generous space for on-site car parking to meet the needs of residents and visitors, and to avoid on-street parking that would restrict the free flow of traffic (including pedestrian traffic) along Tobruk Avenue, or cause significant nuisance to nearby residents or other users of land.

7.4. Public Notification

The development was determined to be Category 2 in accordance with the Development Plan and made available for public viewing for a period of ten (10) business days between 05 August 2014 and 19 August 2014. During this time Council received two submissions from owners of adjacent land.

With regard to the issues raised by the neighbour to the south (24 Tobruk Avenue), the Applicant has amended the height of the boundary wall so that it will be no higher than 2.1m (the height of standard fencing), when measured from the natural ground level of the adjoining property.

The natural ground level of the neighbouring property at 23 McKenna Street is approximately 800mm higher than the subject land. The eastern boundary wall of the proposed pool pavilion will measure 3.2m above the ground level of the subject land but will appear to the neighbouring property as though the wall is only 2.3m high above ground level. With a total span on the boundary measuring 3.6m long, this component of boundary development comfortably satisfies Council's boundary development guideline which considers walls with dimensions of 3m (high) by 8m (long) and generally being appropriate on property boundaries.

On the matter of overshadowing, the shadow diagrams submitted by the Applicant confirm that the proposed dwelling maintains northern solar access to the southern neighbouring property in accordance with relevant Development Plan guidelines.

Council is therefore satisfied that the planning matters raised through the public notification process are sufficiently addressed through the overall design of the development and the changes detailed through the applicant's response, insofar as they are to be determined under the *Development Act 1993*.

7.5. Agency Referrals

No external referrals were required under Section 37 of the *Development Act 1993*, however, input was sought from Council's Senior Engineer with regard to matters of traffic, manoeuvrability and stormwater management.

Planning staff have since been advised that previous engineering advice still applies to this application and that the driveway should be limited to a width of no more than 4.5m at the property boundary. Such advice will be incorporated as a condition of approval should the Panel see fit to approve the development.

7.6. Conclusion

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\0737\14, by T Matkovic, is **granted** Development Plan Consent subject to the following conditions:

Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 The driveway depicted on the stamped and approved plans granted Development Plan Consent shall be tapered to a maximum width of 4.5m at the property boundary.

Reason:

To ensure minimal impacts to Council verge.

- 3 The proposed boundary walls located on the northern, eastern and southern boundaries shall be finished on both sides to the reasonable satisfaction of Council.

Reason:

To ensure minimal impacts towards the adjacent properties.

- 4 All side and rear upper level windows as depicted on the stamped and approved plans granted Development Plan Consent shall be fitted with fixed and obscured glazing to a minimum height of 1.6m above the finished floor level.

The fixed and obscured glazing shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

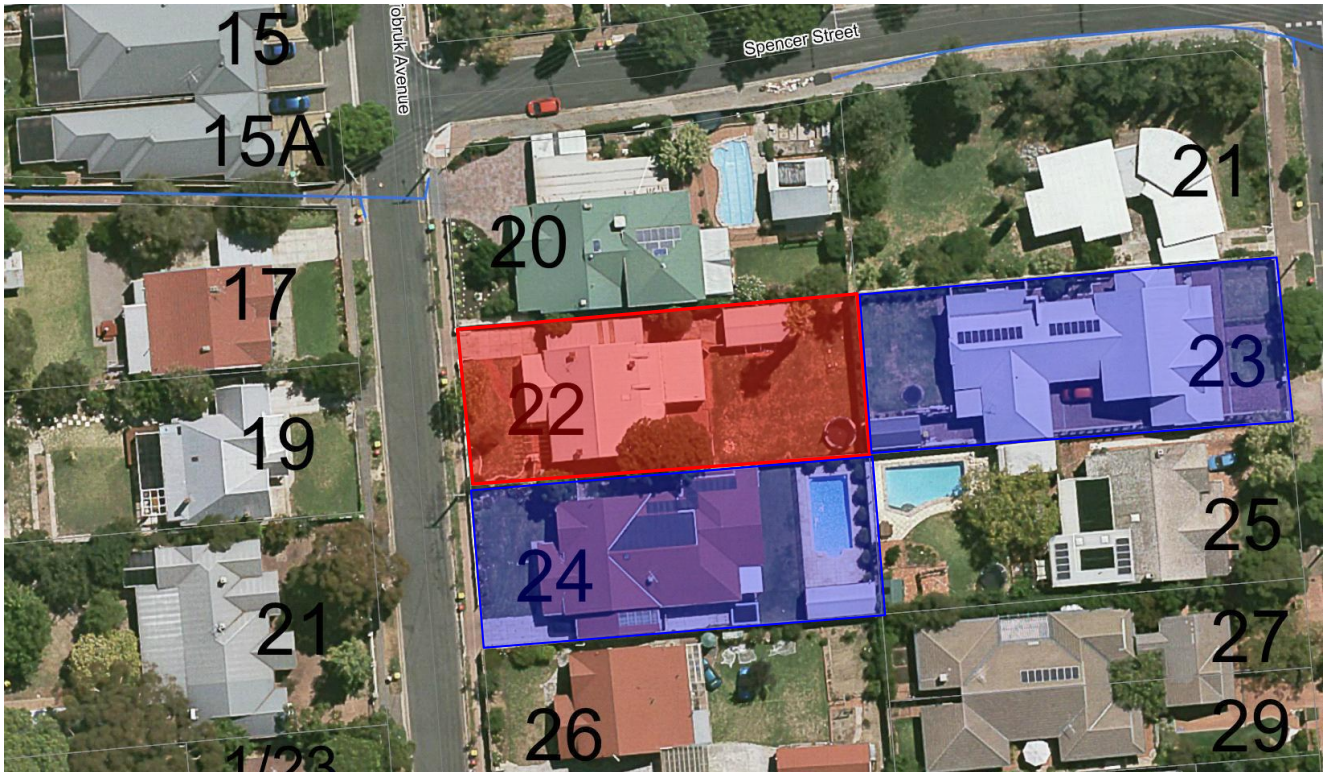
Reserved Matters

- 1 That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to Development Approval of the application:
 - 1.1 The applicant shall submit further plans and elevation details of the front fencing that demonstrate compliance with Council's requirement that the driveway width be not more than 4.5m wide at the property boundary.

RECOMMENDING OFFICER

Jason Cattonar
Team Leader – Planning

AERIAL LOCALITY MAP



Legend



Subject Land



Representor's Land

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

<p>Primary Residential Policy Area 6 Objectives:</p> <p><u>Objective 1:</u> <i>Maintenance and enhancement of the low density residential character that is derived particularly from:</i></p> <p>(a) <i>low density, single-storeyed, and substantial detached dwellings of a variety of styles, with low-scale, medium-density dwellings of other types being generally a less dominant feature;</i></p> <p>(b) <i>an open and attractive streetscape character created by moderate building set-backs from street frontages, well-landscaped front gardens with low or open fencing, and extensive grassed verges; and</i></p> <p>(c) <i>mature vegetation such as indigenous eucalypts.</i></p> <p><i>Acknowledged, significant variations from the desired character, or the prevailing character or environmental conditions, forming, nevertheless, part of the character that is to be maintained and enhanced, are found:</i></p> <p>(a) <i>within Kensington Park Reserve (former Olympic Sports Field), a significant landscape feature and public open space;</i></p> <p>(b) <i>on land with frontage to Kensington Road, to Glynburn Road and to The Parade; and</i></p> <p>(c) <i>adjacent to the Neighbourhood Centre Zone and the campuses of Pembroke School in the Community Zone.</i></p>	
<p>Subject: DP Ref</p>	<p>Assessment:</p>
<p>Desired Land Use O 1</p>	<ul style="list-style-type: none"> Satisfied. The development facilitates the continued use of the land for residential purposes.
<p>Local Compatibility PDC 1</p>	<ul style="list-style-type: none"> Satisfied. The development is consistent with Objective 1(a) and (b) in that it comprises the construction of a substantial detached dwelling with a moderate building set-back from the front property boundary. The dwelling style is consistent with the variety of styles identified by the policy area character statement and will contribute to a diverse overall character.
<p>Site Areas and Frontages PDC 2-5</p>	<ul style="list-style-type: none"> Satisfied. The subject land is an existing Torrens title allotment of sufficient size and frontage width.
<p>Building Set-backs PDC 6</p>	<ul style="list-style-type: none"> The dwelling has been sited to achieve the 6m guideline for front boundary set-backs with the blade feature wall projections being set-back 7.1m and the main façade and garage being stepped back at a further distance.

Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:

Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 5:

Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1-8 PDC 1	<ul style="list-style-type: none"> • Satisfied. See policy area comments for further detail.
Building Appearance PDC 2-4	<ul style="list-style-type: none"> • The development easily achieves Development Plan guidelines with respect to the proportion of built form to occupy the land. The dwelling is of substantial size and the upper level is sited in a manner that will not dominate the streetscape. • Through appropriate building siting the front, side and rear set-backs of the development permit the establishment and long-term health, growth and stability of appropriate landscaping, having regard to the dimensions of the site and the scale of the proposed building. • The development avoids highly reflective surfaces likely to cause unreasonable nuisance to residents in the locality. • The development is consistent with primary objectives of the policy area having regard to siting, mass and proportions, ground floor height, façade articulation and scope for landscaping. • The building design incorporates an appropriate degree of articulation to break up the visual massing of the two-storey form.

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 50:

A compact metropolitan area.

Objective 51:

A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 52:

Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 53:

Safe, pleasant, accessible and convenient residential areas.

Objective 54:

Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Subject:	Assessment:
DP Ref	
Zoning and Land Use O 8–9, 50–54 PDC 1, 3	<ul style="list-style-type: none"> Satisfied.
Building Set-backs PDC 123–125	<p><u>Front Set-backs</u></p> <ul style="list-style-type: none"> Satisfied. <p><u>Side Set-backs</u></p> <ul style="list-style-type: none"> The proposal exceeds the set-back guideline for the ground floor to the northern boundary by 650mm. The proposal falls 650mm short of the ground floor building set-back guideline on the southern side however this is viewed as a relatively minor departure in quantitative terms, and is not anticipated to impact the adjoining property to any unreasonable degree. The first floor conforms to the 4m guideline distance on the northern and southern side boundaries. <p><u>Rear Set-backs</u></p> <ul style="list-style-type: none"> Satisfied.
Building Height PDC 126	<ul style="list-style-type: none"> Satisfied.
Site Coverage PDC 127	<ul style="list-style-type: none"> Satisfied.
Private Open Space / Landscaping PDC 128, 129	<ul style="list-style-type: none"> Satisfied.
Amenity O15–17 PDC 22–33	<ul style="list-style-type: none"> The dwelling has been designed to a high standard in respect of its overall appearance and functionality. Although two-storey in nature, the maximum height of the proposed building will sit comfortably within the Council Wide guideline of 9m. The upper level has been set in from each side boundary at a distance that meets or exceeds the guideline distance and is expected to assist in minimising overshadowing impacts to adjoining properties. The appropriate use of building set-backs on all sides of the proposed building also enables an opportunity for future landscaping.

<p>Access / Street Trees / On-site Car Parking PDC 137–142</p>	<ul style="list-style-type: none"> • The development features sufficient space for the parking of as many as four (4) vehicles on the land, well in excess of the minimum off-street parking guideline. • The proposed access location has been deemed suitable in this case, however Council’s Engineering Services Department has requested that the driveway width be restricted to no more than 4.5m at the front boundary to minimise impacts to street infrastructure.
<p>Privacy O15 PDC 23, 134–136</p>	<ul style="list-style-type: none"> • All upper level windows on the side and rear elevations of the building will have sill heights above the minimum 1.6m height guideline, or be conditioned to be fitted with fixed obscured glazing.
<p>Access to Sunlight PDC143–146</p>	<ul style="list-style-type: none"> • The development is sited in a manner that provides adequate sunlight to the windows of habitable rooms of the proposed dwelling, as well as private outdoor areas to the north and east. • The application documents suggest that the degree of shadow cast over the adjacent land to the south fails to satisfy PDC 184(a) (three hours to north facing windows), but does satisfy PDC 184(b) (two hours to 50% of main outdoor living areas).
<p>Domestic Outbuildings PDC 147–149</p>	<ul style="list-style-type: none"> • Satisfied. The proposed pool pavilion is located in the rear corner of the land and will have wall heights that generally satisfy Council guidelines for boundary development. It’s siting in relation to adjoining properties is largely inoffensive and considered reasonable within a residential setting.
<p>Fences / Retaining Walls PDC 150–154</p>	<ul style="list-style-type: none"> • A degree of excavation will be required towards the rear of the land due to the rise in natural ground level from the west to the east. • The height of the required retaining walls is not considered excessive and amenity impacts to adjoining properties on lower land are within acceptable limits. • The combined height of any retaining/fencing structures will not adversely impact on adjoining properties on account of the proposed benching of the subject land.
<p>Environmental / Water Conservation O 11–14 PDC 14–21, 160–161</p>	<ul style="list-style-type: none"> • Environmental performance and water conservation are largely addressed at the Building Rules Consent stage of the assessment process. • The performance provisions in the Building Code of Australia require all new dwellings to achieve a six star energy rating, control the flow of stormwater run-off from the site of development and must incorporate an additional water supply other than the mains reticulated supply, plumbed to at least a water closet, or a water heater or all of the cold water laundry outlets. • The floor plan is configured with living areas (and their windows) orientated northward, and bedrooms southwards. • The building footprint sits well within site coverage guidelines.

APPENDIX 3

DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Street Frontage</i>	18.28m	15m
<i>Site Area</i>	823.4m ²	550m ²
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	43.9%	40%
- Buildings and driveways	48%	50%
<i>Total Floor Area</i>	49%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	8.1m	9m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	7.1m	6m
- side boundary	1.35m (south) 2.65m (north)	2m
- rear boundary	13.7m	4m
<i>Upper Level</i>		
- front boundary	9m	6m
- side boundary	4m (south) 4m (north)	4m
- rear boundary	17m	8m
<i>Boundary Wall</i>		
- length	8.4m	8m
- height	3m	3m
- location	Northern boundary	N/A
<i>Private Open Space</i>		
- percentage	> 50% of TFA	50% of TFA*
- dimensions	> 5m x 8m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	4	2
- width of driveway	5.7m	4.5m
- width of garage/carport door	31% of frontage	33% of frontage

*Total Floor Area (TFA) is measured from the external faces of the walls of the building or buildings, including balconies, carports and garages.

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DEVELOPMENT APPLICATION

Application Number:	180\0609\14
Applicant:	PSA Design
Location:	3 Shiraz Place, Auldana
Proposal:	Non-complying – two-storey detached dwelling including garage, verandah, swimming pool and retaining walls
Zone/Policy Area:	Residential Zone Residential Policy Area 29 Skye and Auldana Development Plan consolidated 30 January 2014
Kind of Assessment:	Non-complying
Public Notification:	Category 2 One (1) representations received
Appeal Opportunity	None
Referrals – Statutory:	SA Country Fire Service
Referrals – Non Statutory:	Traffic Engineer
Delegations Policy:	Non-complying development
Recommendation:	Subject to concurrence from the Development Assessment Commission, that Development Plan Consent be granted
Recommending Officer:	James Booker

REPORT CONTENTS

- Assessment report:
 - Appendix 1 – Aerial Locality Map
 - Appendix 2 – Detailed Planning Assessment
 - Appendix 3 – Development Data Table

Please note that due to Federal Copyright Law restrictions, attachments associated with the proposed development are not made available to the public.

Documentation provided as attachments to the report to members of the Development Assessment Panel to facilitate decision making:

- Plans and supporting documents
- Council's determination to proceed with an assessment
- External agency referral reports
- Internal agency referral reports
- Representations received
- Applicant's response to representations
- Photographs

1. DESCRIPTION OF PROPOSAL

The proposal involves the construction of a new two-storey dwelling on the land at 3 Shiraz Place, Auldana. The dwelling will feature four bedrooms, open plan kitchen, dining and lounge, study and upper level retreat, as well as a triple garage, two external decking/balconies and swimming pool. The dwelling will be serviced by a semicircular driveway requiring two new crossovers on Shiraz Place.

2. BACKGROUND

Development Application 180\0609\14 was submitted to Council on 23 June 2014 and determined to be a non-complying development pursuant to Residential Policy Area 29 – Skye and Auldana Principle of Development Control 21 which states:

*The following kinds of development are **non-complying**:*

Dwelling where:

- (a) *the scale and design is such that the vertical distance between any point at the top of any external wall and finished ground level immediately below the point on the wall exceeds six metres, other than gable ends of the dwelling where the distance exceeds eight metres.*

Despite this non-complying classification the proposal was deemed to have sufficient merit to warrant a full assessment, given the large scale and form of other existing dwellings within the locality and limited impact upon the local natural environment. The Team Leader – Planning, subsequently determined to proceed with a full assessment of the application in accordance with Council's Development Delegations Policy 6.2.1.1.

The application was determined to be a Category 2 development pursuant to Residential Policy Area 29 Principle of Development Control 22(a), (b) and (c) and was placed on Category 2 Public Notification for the period 07 October 2014 to 21 October 2014. During this period, Council received one submission in favour of the proposal but with some concerns from the adjoining land owner at 1 Shiraz Place. The representor did not express a desire make a verbal submission to the Development Assessment Panel (the Panel).

The application was referred internally to Council's Engineering Services Department for consideration, as well as requiring a statutory referral to Country Fire Service (CFS).

A full assessment of the proposed development has now been undertaken, and the application is presented to the Panel for consideration as a non-complying development.

3. SUBJECT LAND AND LOCALITY ATTRIBUTES

3.1. Subject Land

The subject land is an existing irregular shaped allotment of substantial size on the northern side of Shiraz Place, in the suburb of Auldana. The land has an approximate area of 1,044m² and a steep descending slope from south to north resulting in a fall of approximately 9.7m; or alternatively a 1 in 6 grade. The land is currently vacant and void of any sizable vegetation and an apparently unaltered land form.

Two easements running parallel to the northern and eastern boundaries measuring 4.07m and 3.14m wide respectively are shown on the Certificate of Title and are for sewerage and drainage purposes to the benefit of SA Water and the City of Burnside.

There is also an Encumbrance (4711792) registered against the Certificate of Title to the benefit of the Adelaide Hills Council and T & G Life Mutual Society Ltd. While Council has no legal obligation to consider the encumbrance in this assessment, the applicant may require a separate consent prior to construction of the dwelling, should consent be granted.

3.2. Locality

The locality is characterised by large irregular shaped allotments confined to the eastern end of Shiraz Place and continuing in a westerly direction to its junction with Verdelho Court.

The locality assumes a predominantly two-storey built form character in a variety of architectural styles with dwellings being elevated above road level on the southern side and below road level on the northern side of Shiraz Place respectively.

The generous curtilages around existing dwellings leaves substantial areas for landscaping, however, there are no trees of substantial or notable size on private land.

The locality is framed to its eastern border by the adjoining Hills Face Zone with its natural landscape character and varied topographical features with broadly dispersed, low scale residential development at very low density.

4. KIND OF ASSESSMENT

Kind:	Non-complying
Reason:	Residential Policy Area 29 – Skye and Auldana, Principle of Development Control 21
Applicant Appeal Opportunity:	No

5. PUBLIC NOTIFICATION

Category:	Category 2
Reason:	Residential Policy Area 29 – Skye and Auldana, Principle of Development Control 22 (a) (b) & (c)
Cut / Fill:	Although a degree of earthworks will be required to create a suitable building platform and driveway gradient, the proposal avoids the need for excessive boundary retaining walls and battered areas will be landscaped with moss rock embankments and vegetation. The earthworks are considered incidental to the construction of the dwelling.
Representations Received:	<ul style="list-style-type: none"> 1 Shiraz Place, Auldana (not to be heard)
Third Party Appeal Opportunity:	No

- Representations received are provided as an attachment to the Panel.
- Applicant's response(s) to representations are provided as an attachment to the Panel.

6. AGENCY REFERRALS

- External agency referrals are provided as an attachment to the Panel.
- Internal agency referrals are provided as an attachment to the Panel.

7. EXECUTIVE SUMMARY

7.1. Land Use

Residential Policy Area 29 – Skye and Auldana serves as transition between the residential character of the Adelaide Plains and the natural backdrop of the Hills Face Zone. Its foothills location effectively serves as a buffer area between the metropolitan districts and prevents the urban area from extending into the Mount Lofty Ranges.

The Development Plan envisages a policy area accommodating low-density residential development where dwellings are sited on elevated land to take advantage of views across the Adelaide Plains. Development is encouraged to preserve the natural character of the adjoining Hills Face Zone with minimal visual intrusion upon the landscape by using designs and materials that are consistent with the surrounding environment.

The applicant seeks to construct a large two-storey dwelling on a large vacant allotment within the residential foothills setting that overlooking the Adelaide Plains. There is no indication that the land has previously been used for residential purposes and the land contours appear to be unaltered from their natural state.

The Policy Area does permit two-storey detached dwellings, provided the character and amenity of their locality is not compromised and that the scale, height, bulk and siting complements the positive elements of the existing streetscape character.

The proposed use of the land for residential purposes and form of the dwelling has been deemed compatible with that envisaged for the policy area having considered the form and scale of existing two-storey dwellings within the locality.

The proposed development is therefore not considered to be seriously at variance to the Burnside (City) Development Plan.

7.2. Character and Amenity

The development is centrally located on an existing allotment of substantial size with a finished floor level that is well below (approximately 2.1m) the adjacent road level of Shiraz Place.

This is consistent with policy area guidelines which envisage buildings set well back from public roads and sited in unobtrusive locations on the lower slopes of the land to which they are sited, so as to minimise their presence within the streetscape.

The dwelling has been designed with a stepped floor plan in an attempt to generally correspond with the natural fall of the land to the north, whilst the conventional roof pitch maintains a low profile to the Shiraz Place streetscape in comparison to the Cape-Cod and two-storey Tudor style dwellings within the locality.

The development will require a substantial amount of earthworks in order to create a suitable building platform for the proposed dwelling. Earthworks in their own right do not constitute development, however, the resulting retaining walls, where required, that extend higher than 1m, do constitute development. In approaching the dwelling design for the site, the applicant has utilised the large size of the land together with careful siting of the dwelling so as to avoid the need for retaining walls greater than 1m high. To the sides and rear of the dwelling, the fill will be battered down to align with the existing land contours and maintaining a grade that is less than 1 in 5 as encouraged by the Policy Area guidelines.

The dwelling will be constructed using a variety of non-reflective materials, however, the colours and tones are yet to be confirmed by the applicant. Given the policy area calls for buildings to be constructed using colours and textures consistent with the surrounding environment, a reserved matter has been included as part of this recommendation requiring the applicant to provide Council with this information for further assessment prior to an assessment against the Building Code.

This will ensure the reduced the visual impact of built form upon the land, noting that similar materials can also be observed within the locality, thereby providing some level of consistency in building appearance.

7.3. Site Functionality and Agency Referrals

No vehicular access to the property currently exists however the application includes a semi-circular driveway requiring two new crossovers to Shiraz Place. The configuration of the driveway allows for vehicles to enter and exit the land in a forward gear and maintains an acceptable grade in accordance with Australian Standards for private driveways. Council's Traffic Engineer has indicated that they do not object to the proposal, however, the Applicant will be required to obtain Section 221 authorisation prior to undertaking development on the land. This recommendation includes a condition to that effect.

The SA Country Fire Service (CFS) has been consulted as a statutory referral body pursuant to Section 37(1) of the *Development Act 1993*. The CFS has advised that the application satisfies their requirements however the applicant will need to show a minimum supply of 22,000 litres of water storage on-site for bushfire fighting purposes. A reserved matter has been included as part of this recommendation requiring this information to be submitted for further assessment by Council prior to the applicant applying for Building Rules Consent.

7.4. Public Notification

During the notification period Council received one (1) written submission from the owners of adjoining land to the east at 1 Shiraz Place.

The planning related concerns raised by the representor included streetscape character, on-site parking of vehicles, overshadowing, overlooking and noise from the 'entertainment area'.

In response to the above concerns, the Applicant reaffirmed that the proposed development has been designed in a manner that largely complements its surrounds and that overlooking from the rear facing balconies would be restricted at ground level by standard fencing and at the upper level by 1.7m high frosted glass balustrading to the eastern elevation. The applicant noted that overshadowing is largely confined to the northern side of the dwelling as a result of the allotment orientation and would not materially impact adjoining land.

Despite the representor's concerns, Council is satisfied that the matters raised have been addressed in a satisfactory manner in the form as proposed.

7.5. Conclusion

Having regard to all of the relevant Objectives and Principles of Development Control of the Burnside (City) Development Plan, the proposed development is not considered seriously at variance with, and is generally in accordance with, the policies of the Development Plan.

8. RECOMMENDATIONS

It is recommended that the Development Assessment Panel resolve that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Subject to concurrence from the Development Assessment Commission, that Development Application 180\0609\14, by PSA Design, is **granted** Development Plan Consent subject to the following conditions and reserved matters:

Conditions

- 1 The development granted Development Plan Consent shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council that are relevant to the consent to the reasonable satisfaction of the Council, except where varied by conditions below.

Reason:

To ensure the development is undertaken in accordance with the plans and details submitted.

- 2 Upper level east and west elevation windows shall be fixed with obscured glazing to a minimum height of 1.6m above the floor level and shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

- 3 The upper covered balcony shall be fitted with an obscure glass screen to the western elevation measuring a minimum of 1.7m above the finished floor level of the balcony and shall be installed prior to the occupation or use of the building herein granted Development Plan Consent and thereafter shall be maintained to the reasonable satisfaction of Council at all times.

Reason:

To ensure the new development does not unreasonably diminish the privacy of residents in adjoining properties.

- 4 Bushfire prevention and safety requirements shall be completed prior to occupancy of the building(s)

The building shall incorporate the construction requirements for building in Bushfire Prone Areas, in accordance with the Building Code of Australia, South Australian Housing Code and Australian Standard™3959 (AS3959) "Construction of buildings in bushfire prone areas".

Compliance with the fire protection requirements is not a guarantee that the dwelling will not burn, but provides a '*refuge*' from the approach, impact and passing of a bushfire. Should there be any need for further information, please contact the CFS Planning & Development on (08) 8339 6900.

Reason:

To ensure requirements of the CFS are upheld.

- 5 A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes.
- A supply of 22,000 (twenty two thousand) litres of water shall be available for bushfire fighting purposes at all times;
 - This supply shall be fitted with a fuel driven pump or an equivalent system that operates independent of mains electricity and is capable of pressurising the water for fire-fighting purposes;
 - The pump and flexible connections to the water supply shall be protected from the impact of bushfire by a suitably ventilated, non-flammable cover (metal or masonry material);
 - The diameter of all fittings and flexible reinforced suction hose connecting the water supply to the fuel driven pump shall be no smaller than the diameter of the pump inlet valve;
 - The bushfire fighting pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. Note: An "Operations Instruction Procedure" shall be located with the pump control panel;
 - The bushfire-fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a fire service 64mm male London round thread adaptor which shall be accessible to bushfire-fighting vehicles at all times;
 - All non-metal fire-fighting water supply pipes, other than flexible connections to fire-fighting pumps, shall be buried at least 300mm below finished ground level;
 - A ground-based sprinkler system shall be above ground and installed to provide an unbroken band of wet vegetation surrounding the buildings;
 - All above ground bushfire water supply pipes and sprinkler heads shall be metal;
 - Hoses (minimum 19mm [$\frac{3}{4}$ "] internal diameter) and metal, spray jet nozzles capable of withstanding the pressures of the supplied water and of sufficient length to reach all parts of the building shall be readily accessible at all times; and
 - The hoses and water connection points (taps) shall be located at or adjacent to the dwelling to ensure occupants safety when using the hoses during a bushfire;

Reason:

To ensure requirements of the CFS are upheld.

- 6 Landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfire and minimise the risk of life and/or damage to buildings and property as follows:
- Trees and shrubs shall not be planted closer to the building(s) or power lines than the distance equivalent to their mature height.
 - Grasses within 20m of the dwelling or to the property boundaries, whichever comes first, shall be reduced to a height of 10cms during the Fire Danger Season.

Reason:

To ensure requirements of the CFS are upheld.

Reserved Matters

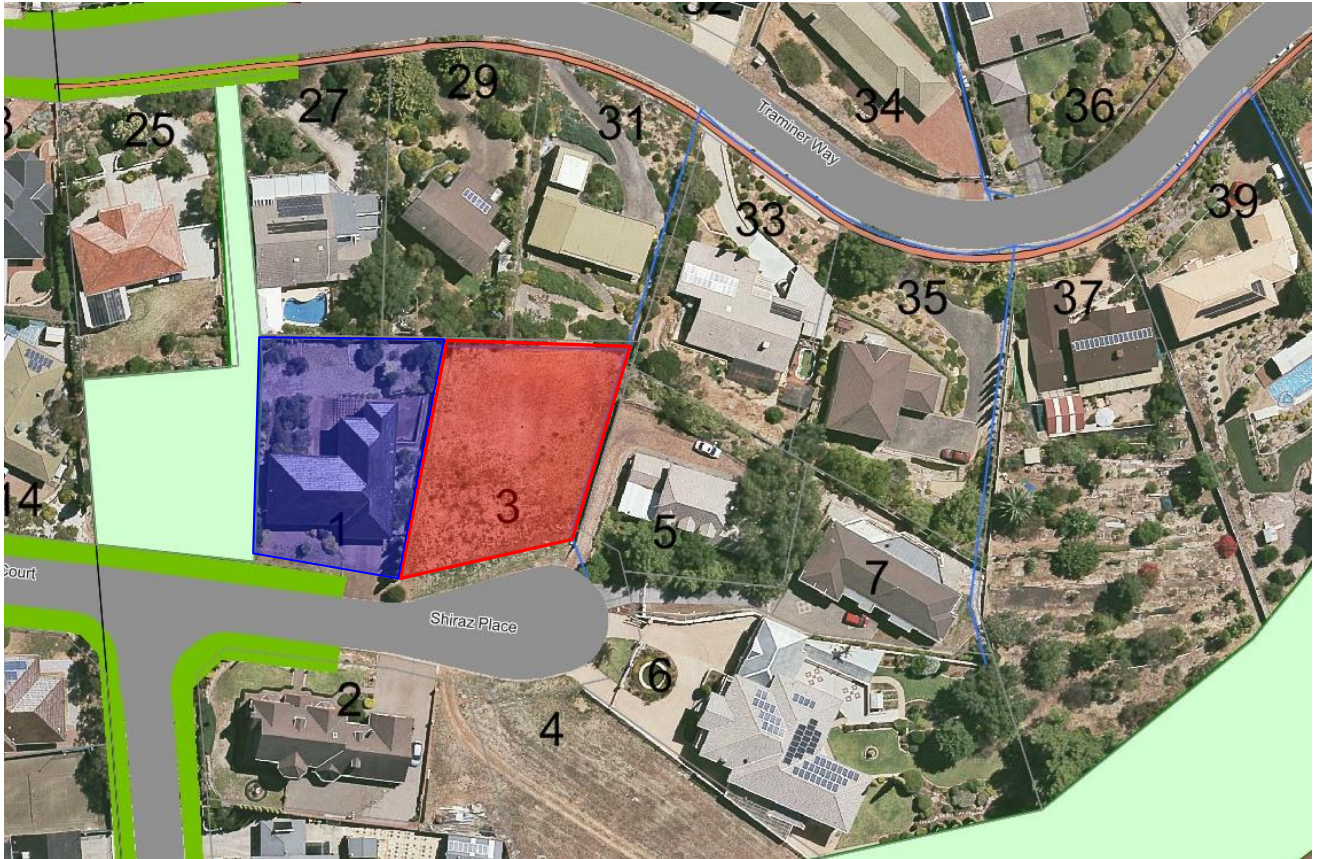
- 1 That pursuant to Section 33(3) of the *Development Act 1993*, the applicant shall submit detailed proposals for the following reserved matters requiring further assessment by the City of Burnside, prior to Development Approval of the application:

- 1.1 The applicant shall supply details of the size and location of on-site bushfire fighting water storage with a minimum capacity of 22,000 in accordance with the requirements of the SA Country Fire Service (CFS) as stated in Condition 2 above.

RECOMMENDING OFFICER

James Booker
Development Officer – Planning

AERIAL LOCALITY MAP



Legend



Subject Land



Representor's Land

DETAILED PLANNING ASSESSMENT

Summary of Policy Area Objectives and Principles

<p>Primary Residential Policy Area 29 Objectives:</p> <p><u>Objective 1:</u> <i>Maintenance and enhancement of the low density, open, residential and foothills character that is derived particularly from:</i></p> <p>(a) <i>the topographic and other natural features of the foothills location;</i> (b) <i>detached dwellings at low densities on individual allotments;</i> (c) <i>many dwellings on elevated land, orientated to take advantage of views across the Adelaide Plains; and</i> (d) <i>moderate to deep building set-backs, well vegetated and generally unfenced front gardens, and the natural character of the adjoining Hills Face Zone.</i></p> <p><u>Objective 2:</u> <i>A policy area which encourages development that protects the visual and environmental assets characteristic of the zone by ensuring that:</i></p> <p>(a) <i>buildings are designed with form consistent with the natural environment;</i> (b) <i>buildings are low profile and unobtrusive with bulk and scale in keeping with the natural environment;</i> (c) <i>buildings are designed with colours and textures consistent with the surrounding environment; and</i> (d) <i>development does not impinge upon the amenity and privacy of existing residences.</i></p>	
Subject: DP Ref	Assessment:
Desired Land Use O 1	<ul style="list-style-type: none"> Satisfied. The development facilitates the intended use of the land for residential purposes.
Local Compatibility PDC 1–3	<ul style="list-style-type: none"> The development is consistent with Objective 1(b), (c) and (d) in that it comprises the construction of a detached dwelling on elevated land that is orientated to take advantage of views across the Adelaide Plains. The dwelling style is generally consistent with other established two-storey dwellings within the locality, and contributes to a diverse overall character that is comprised of a variety of dwelling styles.
Design for Topography PDC 6–12	<ul style="list-style-type: none"> The subject land is an existing residential allotment with natural land contours that are less than 1 in 4 (approx. 1 in 5). The dwelling is sited as close as practicable on the lower portions of the subject land with fill to be battered down on a gradual slope and stabilised with moss rock banks and landscaping. The subject land is located within a foothills location that sits behind a prominent spur and is not visually obtrusive to the Adelaide Plains.
Site Areas and Frontages PDC 13–15	<ul style="list-style-type: none"> Satisfied. The subject land is an existing Torrens title allotment of sufficient size and frontage width.
Site Coverage PDC 16	<ul style="list-style-type: none"> Satisfied.
Building Set-backs PDC 6	<ul style="list-style-type: none"> The main façade of the dwelling has been sited to achieve the 6m guideline at its closest point, with the set-back increasing to 15m to the outer wall of the garage. Side and rear boundary setbacks either meet or exceed the guidelines for the Policy Area.
Building Height PDC 18	<ul style="list-style-type: none"> Deficient. The proposed dwelling has a maximum height measuring 8.5m above the finished ground level with sections of external walling greater than 6m prompting a non-complying assessment.

	<ul style="list-style-type: none">• From the streetscape of Shiraz Place, the dwelling will measure approximately 6m above the road level due to the building being sited on the lower portions of the land.• The locality is characterised by existing dwellings of similar bulk, scale and overall building height. Although the dwelling will exceed the non-complying threshold for vertical wall heights, it is deemed to fit within the existing streetscape character and does not detract from the foothills setting nor appear visually obtrusive to the Adelaide Plains.
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Summary of Residential Zone Objectives and Principles

Primary Residential Zone Objectives:

Objective 1:

A zone primarily for residential use with a range of dwelling types in appropriate policy areas to accommodate varied socio-economic needs.

Objective 2:

Protection and enhancement of the amenity of residential areas, with particular reference to the objectives for the relevant policy area.

Objective 3:

Residential densities varied having regard to topography, the objectives for the relevant policy area, and proximity to centres and major transport routes.

Objective 5:

Enhancement of the attractive qualities of streetscapes and particularly areas of cohesive character or visual sensitivity, through good design.

Subject: DP Ref	Assessment:
Zoning and Land Use O 1-8 PDC 1	<ul style="list-style-type: none"> • Satisfied. See policy area comments for further detail.
Building Appearance PDC 2-4	<ul style="list-style-type: none"> • The proposed dwelling exhibits an external form and fabric that fits well within the existing streetscape character that includes other large two-storey dwellings. • The ground floor of the proposed dwelling has been sited below the adjacent road level on the lower slopes of the land so as to reduce its prominence within Shiraz Place and better align with the existing land contours. • The design and pitch of the roof is compatible with other dwellings within the locality which generally display roof forms that are more visually prominent. • The dwelling will be finished in a combination of paint and cement render in pale earthy tones, with Colorbond roofing materials and aluminium door and window frames with a wrought iron balcony. The palette of colours has not been confirmed by the applicant, however, a reserved matter requesting those details has been included in this recommendation. • The development is sited in a manner that allows for landscaping on all four sides of the proposed building. The landscaping plan submitted by the applicant provides a satisfactory layout, with further provision to plant more vegetation in the future.
Design for Topography PDC 5-6	<ul style="list-style-type: none"> • Satisfied. Although earthworks are required to create a suitable building platform, the dwelling has been sited on the land in a manner that achieves a median level across the existing land contours and avoids the need for the construction of large retaining walls on the allotment boundaries.
Hills Face Zone Buffer PDC 10	<ul style="list-style-type: none"> • The subject land is not located within the Hills Face Buffer Zone as shown in the Hills Face Buffer Zone Concept Plan Fig R/1 Part A.

Summary of Council Wide Objectives and Principles

Primary Residential Development Objectives:

Objective 50:

A compact metropolitan area.

Objective 51:

A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 52:

Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 53:

Safe, pleasant, accessible and convenient residential areas.

Objective 54:

Residential development which moderates adverse climatic conditions, takes advantage of solar energy, does not unreasonably overshadow adjacent development, and protects the natural environment.

Subject: DP Ref	Assessment:
Zoning and Land Use O 8–9, 52–60 PDC 1, 3	<ul style="list-style-type: none"> • Satisfied. See zone and policy area comments for further detail.
Building Set-backs PDC 161-162	<ul style="list-style-type: none"> • Satisfied.
Building Height PDC 164	<ul style="list-style-type: none"> • Deficient. See zone and policy area comments for further detail.
Site Coverage PDC 165	<ul style="list-style-type: none"> • Satisfied.
Private Open Space PDC 166-168	<ul style="list-style-type: none"> • Satisfied.
Amenity O11–12, 20 – 22 PDC 14–18, 52-64	<ul style="list-style-type: none"> • Satisfied.
Access / On-site Car Parking PDC 177–182	<ul style="list-style-type: none"> • Satisfied.
Privacy O15 PDC 22, 174–176	<ul style="list-style-type: none"> • Satisfied. The applicant has included a 1.7m high obscured glass balustrade to the western elevation of the upper level covered balcony, to address the issue of direct overlooking into the adjoining land at 1 Shiraz Place.
Access to Sunlight PDC 21, 183–186	<ul style="list-style-type: none"> • Satisfied.
Fences / Retaining Walls PDC 190–194	<ul style="list-style-type: none"> • Satisfied.
Environmental / Water Conservation O 11–14 PDC 14–21, 160–161	<p>Environmental performance and water conservation are largely addressed at the Building Rules Consent stage of the assessment process.</p> <p>The performance provisions in the Building Code of Australia require all new dwellings to achieve a six star energy rating, control the flow of stormwater run-off from the site of development and must incorporate an additional water supply other than the mains reticulated supply, plumbed to at least a water closet, or a water heater or all of the cold water laundry outlets.</p>

APPENDIX 3

DEVELOPMENT DATA TABLE

Site Characteristics	Proposed	Guideline
<i>Street Frontage</i>	32.38m	21m
<i>Site Area</i>	1107m ²	1000m ²
Design Characteristics	Proposed	Guideline
<i>Site Coverage</i>		
- Buildings only	29%	40%
- Buildings and driveways	38%	50%
<i>Total Floor Area</i>	45%	50%
<i>Building Height</i>		
- storeys	2 storeys	2 storeys
- metres	6.3m – 9.9m	6m
<i>Set-backs</i>		
<i>Lower Level</i>		
- front boundary	4.5m – 13m	6m
- side boundary	3m & 3.8m (east) 9.1m (west) – not including boundary development	2m and/or 4m
- rear boundary	9.3m	2m and/or 4m
<i>Upper Level</i>		
- front boundary	5m – 9m	6m
- side boundary	6.6m & 8.9m (east)	4m
- rear boundary	10m & 11m (west)	8m
<i>Boundary Wall</i>		
- length	5.97m	8m
- height	3m – 3.5m	3m
- location		N/A
<i>Private Open Space</i>		
- percentage	> 50% of TFA	50% of TFA*
- dimensions	> 5m x 8m	5m x 8m
<i>Car Parking and Access</i>		
- number of parks	5	2
- width of driveway	4.5m	4.5m
- width of garage/carport door	23% of frontage	33% of frontage

*Total Floor Area (TFA) is measured from the external faces of the walls of the building or buildings, including balconies, carports and garages.